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"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

HEARINGS

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

JANUARY 28 AND 30, 1986
FEBRUARY 27, 1986

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"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

TUESDAY, JANUARY 28, 1986

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC.

The committee met, pursuant to notice, at 9 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Simpson, Thurmond, Stafford, Specter, DeConcini, and Rockefeller.

Also present: Representatives Applegate, McEwen, Bilirakis, and Gilman.

Chairman Murkowski. The hour of 9 o'clock having arrived, I will formally call the hearing to order.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman Murkowski. This is a hearing of the Senate Committee on Veterans' Affairs on live sightings of American servicemen in Southeast Asia.

I want to wish you a good morning and welcome to the Senate Committee on Veterans' Affairs hearing on the issue of live sighting reports of Americans listed as missing in action in Southeast Asia.

Over the years, there have been a number of reports of live sightings of Americans in captivity in Vietnam, Laos, and Cambodia.

Today the committee will hear from several of those individuals who believe that they have knowledge of Americans who still remain in Southeast Asia. They will have the opportunity to present their information and evidence to the Congress and to the American people in an open forum.

It is the position of the Administration and one that I wholeheartedly endorse that we must assume that there are American servicemen living in conditions unknown to us in Southeast Asia.

On Thursday, we will receive testimony from the appropriate U.S. Government agencies responsible for tracking the POW/MIA issues. The agencies' testimony will address the information presented today on live sightings and offer some insight into the procedures used to identify and repatriate the remains of America's recovered soldiers.

The purpose of these hearings is to afford the families of the missing in action an open forum on the reports, accounts and emotions that surround this issue, an issue whose resolution is a priority of the United States Government.

Our goal is a fair hearing. Our methods will not be judgmental or biased. It is important to note at the start that this committee will not necessarily reach any conclusions.

We will be joined through the hearing by my colleagues Senator DeConcini, Representative Bob McEwen, and Representative Mike Bilirakis. They joined with me on the recent trip which we made to Southeast Asia. We were a bipartisan, joint Congressional team, the first joint Congressional team to visit Southeast Asia. I want to assure you that each member of the team contributed valuable energy, insight, and direction.

It is because Congressman Bilirakis and Congressman McEwen shared this experience with me that we have extended them an invitation to sit with the Senate Committee on Veterans' Affairs for these hearings.

I do regret that I cannot accommodate other Congressional requests to actively participate with us on the panel.

Our delegation traveled to Hanoi and Vientiane to discuss with Americans, Vietnamese, and Lao officials the issue of Americans unaccounted for in their respective countries. We spoke as the voice of the American people and expressed the hope that the Vietnamese and Lao governments would continue to cooperate with the United States in order to resolve this emotional issue in an expeditious manner.

The delegation was assured by Foreign Minister Thach of Vietnam and Vice Minister Soubanh of Laos that their governments considered this a humanitarian issue and that joint excavations of crash sites would continue. It is their intent, as they indicated to us, to resolve this matter within 2 years, if not sooner.

Foreign Minister Thach advised us that the February technical meetings would be held in Hanoi, and he was very hopeful that remains of U.S. servicemembers would be repatriated to the United States at that time. However, he was unable to give us any precise figures.

On the issue of live sightings, the delegation was told, and I might add rather emphatically, that neither the Vietnam or Laos Governments are holding American servicemen against their will. We were advised that it is entirely possible that Americans are in Vietnam, Laos, and Cambodia illegally and/or of their own volition, but that no one was under their control.

Neither Vietnam nor Laos would permit international agencies or organizations, such as the United Nations or Red Cross, to visit areas of reported live sightings.

Foreign Minister Thach did, however, indicate to the members of the delegation that they could return to his country at any time with information on live sightings and he would personally accompany them to the designated area where they had evidence. One, however, can clearly discern the difficulties raised by such a proposal.

Further, we were assured that if any information concerning live sightings was forthcoming as a result of this hearing or from other official sources, it would be forwarded by our Government, promptly addressed by the Vietnamese and Laotian Governments and that they would respond to these inquiries in a timely fashion.

I would also like to share with you the consensus comments offered by representatives to the Government of Vietnam from Great Britain, West Germany, Belgium, the Netherlands, France, and Italy. During our visit to Hanoi, we had a breakfast meeting hosted by the British Ambassador, and these countries were represented by their individual ambassadors.

All of these individuals indicated that they are permitted to move freely throughout Vietnam and all agreed that to them it was most unlikely that American service personnel are being held in those countries, in Vietnam, against their will.

They also agreed that it is conceivable that Americans are living there of their own volition.

Of course, it would be irresponsible for any member of this delegation or any other to draw an iron-clad conclusion from these comments and observations alone. I do not believe any of us came away predisposed to take one side or the other of the issue as a result of these meetings.

But we did build on our base of knowledge and we did take a message to the Lao and Vietnamese Governments, and that message, from the American people, was simply this: it is imperative that we obtain the fullest possible accounting of missing American servicemen and we want complete answers to the issue of live sightings.

The numerous reports and claims that American servicemen listed as missing in action are being held captive in Vietnam, Cambodia, and Laos trouble us all. In addition, and equally disturbing, are the allegations that this country has not done everything in its power to secure the release of these individuals.

Frankly, I have to ask what possible motivation this government might have in restricting or impeding its efforts to fully account for these missing soldiers. I must tell you that from my experience as a member of the Foreign Relations Committee and the Select Committee on Intelligence that I have yet to be presented with any material or information that would lead me to that conclusion.

What is even more evident to us as a result of our briefings of the Joint Casualty Resolution Center and Central Identification Laboratory in Hawaii is the hard work and dedication of the many men and women there—many of them are veterans—in resolving the MIA question and not delaying it.

Of course, our President has declared that a resolution of this issue is of the highest national priority, and rightfully so.

When this Nation assumes the responsibility of sending its very best men into battle, it must also assume the responsibility of making every effort to bring them home again. If they have fallen in battle and cannot be found, then this Government is no less obliged to provide to their families and fellow citizens the fullest possible accounting for those lives given on behalf of America.

To put the issue of the MIA recovery and identification into a historical perspective, we need look to World War II, where approximately 20 percent of the casualties were listed as missing in action, and to Korea, with nearly the same percentage—approximately 19 percent.

Of the 58,000 casualties of the Vietnam era, 2,441, or just over 4 to 4.5 percent, are listed as missing in action.

Of course, the costly naval battles of the Second World War are not paralleled in Southeast Asia, nor should one compare the Korean Conflict to that of Vietnam. But the disparity of the percentages is, I think, some indicator that a concentrated effort has gone into identifying and returning the MIAs of our most recent conflict.

There is always the reality that there will be those MIAs who, through the sheer brutality of the war, can never be recovered. We could have unlimited access to the battlefields of Europe and Asia and still fail to recover all of our lost soldiers.

That does not diminish our government's obligation to do all it can to relieve the doubts and frustrations of the families of the American MIAs. No citizen understands this obligation better than those families.

I believe the Congress must take an active role in supporting the needs of those families. I believe we must do so by working to gain the fullest possible accounting in the bright light of public examination.

We must do so with the cooperation of all the agencies and individuals who can come to our committee with bona fide evidence or unimpeachable refutation.

In this vein, let me mention that allegations that surface from time to time regarding the possibility that the Vietnamese are returning remains that have been stored or, as some have put it, "warehoused," accomplish little for this hearing record. Our objective is to now work with the Vietnamese and the Laotians in achieving a full and complete accounting of our MIAs, a continuation of a work plan, joint crash site excavations, and whatever else is necessary to bring this issue to a timely and positive resolution.

I believe that it would be far more productive to concentrate on these programs which are in progress than to belabor matters of speculation and sensationalism.

In all of these issues, very understandably, emotions and frustrations do run high. These hearings are intended to provide an opportunity for concerned citizens to present their views and for the government representatives to provide an accounting of their role.

It is of the utmost importance that we stick to the facts, as known, and avoid completely personal allegations, hearsay, or innuendo.

I request the cooperation of all witnesses in this matter.

I also want to stress this committee's views on the matter of illegal forays into any of the Southeast Asian countries by individuals or groups intent on their own special missions.

I can understand the motivation—but both the Vietnam and Laos governments consider these ventures as illegal acts of entry and they have indicated to us that they will prosecute.

The best bet we have to resolve our frustrations is to stick to the rules that we have worked so very hard to set into motion and place.

The going may have seemed slow, but with government-to-government contact, we are now making progress.

I am obliged to advise any witness who may have classified documents that such information may not be presented while this committee is in open session. To do so would be considered a breach of our national security.

If any witness desires to discuss classified information, the committee may be called into a closed session for that purpose. But I stress that no classified material may be discussed while we hold open hearings.

I also want to note that, due to the extreme seriousness of this issue, all witnesses will be sworn in prior to offering testimony.

The final point I intend to make is this: every day that any person has withheld information on an American serviceman living in conditions against his will or away from his country and his family is one day that has prolonged that American's suffering. Every day we do not consider fully such information, such American servicemen may remain held against their will.

The war has been over for some 13 years. To have willfully withheld information on even one of our countrymen found to be alive in Southeast Asia after all this time is, to my sense of morality, to have contributed to that incarceration just as plainly as if that person were the jailer.

I will remind the witnesses that the oral testimony must be limited to 5 minutes. I think we all appreciate the right of each of the witnesses to have the opportunity to speak, and I want to afford everyone that opportunity.

Your written testimony will be made part of the hearing record.

I am going to call on my colleague, Senator Strom Thurmond.

Good morning, Senator Thurmond.

OPENING STATEMENT OF SENATOR THURMOND

Senator THURMOND. Mr. Chairman, I have to go to the White House.

I am very interested in this subject.

I would ask unanimous consent that my statement appear in the record, as if read.

Chairman MURKOWSKI. Your entire statement will be entered into the record as if read, Senator.

Senator THURMOND. Thank you very much.

[The prepared statement of Senator Thurmond appears on p. 256.]

Chairman MURKOWSKI. I would like to add that since we have a quorum present, I recommend that we consider the necessity to close the hearing later in the morning in order to hear testimony from witnesses, such as Jerry Mooney and others who may provide information which I understand is classified.

It is my intent to proceed with the hearing and we will see how the time is going at about 12 o'clock or 12:30.

At this time, the hearing will be open, as I have indicated, to members, Senate staff with Top Secret security clearances, and witnesses providing testimony. This is for the classified portion of the hearing.

In accordance with Rule 26 of the Standing Rules of the Senate, due to the necessity to proceed in a confidential setting in the interests of the national defense of the United States, I would move that the hearings be closed on or about 12 noon for that purpose.

Is there any objection?

Senator **DeConcini**. No, sir.

Senator **Specter**. I concur.

Chairman **Murkowski**. All right, then.

I will call upon my Republican colleague, Senator Specter.

OPENING STATEMENT OF SENATOR SPECTER

Senator **Specter**. Thank you very much, Mr. Chairman.

At the outset, Mr. Chairman, I commend you for your leadership on this very important subject, the activities which you have undertaken, not only in Washington, DC, but really worldwide on focusing attention on this very, very important issue, and on convening these hearings for appropriate Congressional oversight through this Veterans' Affairs Committee.

The opening statement which you have made, Mr. Chairman, sets the parameters in a very persuasive and forthright manner.

There is absolutely no doubt about the obligation of the Federal Government to extend every conceivable bit of energy to find all of those who are missing in action in the Vietnam War.

This war has caused enormous national trauma, as we all know, and at this point in history, it is plain that the government must do more, must do everything within its power, to find all those missing in action and to satisfy the families and this country, generally, that everything is being done that can be done.

When young Americans are called upon to fight for their country, it is the highest form of sacrifice conceivable. Those who fought in the Vietnam War did so in an atmosphere of national controversy, which made their mission and their responsibility all the tougher.

The Vietnam War has not received the kind of national backing which has been present in other wars. World War II, to my personal knowledge, brought forth every bit of our national resolve and moral force, as did the conflict in Korea, as do our efforts, generally, and as they have been done historically. But the Vietnam War was not such an instance.

When there has been such substantial evidence that there have been prisoners of war and that there have been those missing in action who have not been found, who have not been located, who have not been returned, where explanations have not been given, then every conceivable action must be taken.

This hearing, Mr. Chairman, I think is an exemplary process of the Congressional oversight and Senate action and the action by this Veterans' Affairs Committee to accomplish that purpose.

This Senator pledges to you his every effort to join you in this effort to see that this important mission is accomplished.

Thank you.

Chairman **Murkowski**. Thank you very much for your opening statement, Senator Specter.

I would like to call on Senator DeConcini.

Senator DeConcini accompanied us on the mission and was the sole Minority member. While he may have been outnumbered three to one, he more than made up for it with his contribution.

I welcome you to the committee this morning and look forward to your statement, Senator.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DECONCINI. Mr. Chairman, thank you very much.

I would like the record to note that Senator Cranston is unable to be with us today. He had a long-standing commitment out of town, and he sends his regrets. I saw him over the weekend and he assured me that he intends to read the record very carefully. This is a very important subject that he has been involved with for a very long time.

Mr. Chairman, members of the committee and distinguished guests. I was pleased to have been invited to accompany the Chairman of the Committee, Senator Murkowski and two distinguished members of the House, Congressmen Bob McEwen and Mike Bilirakis to travel to Vietnam and Laos in an attempt to expedite the ultimate resolution of the POW/MIA issue which continues to cause pain and anguish for thousands of American families.

I commend Chairman Murkowski for initiating the first bipartisan congressional delegation to travel to Vietnam since the end of hostilities in that Nation more than 10 years ago. I know Chairman Murkowski feels very deeply about the POW/MIA issue and he and his outstanding staff, particularly Tony Principi, organized an extremely comprehensive and substantive trip. To all involved, I express my sincere gratitude.

Although the delegation mission was not totally successful I believe we made substantive progress on a number of fronts. One of the most positive results was the release of two Vietnamese children to Senator Murkowski by Foreign Minister Thach so that they could be reunited with their mother in Alaska. The emotional reunification of that family will remain forever imbedded in the hearts and minds of each member of the delegation. I applaud the hours of hard work by Senator Murkowski and his staff to effectuate the release of these children and commend Foreign Minister Thach for this gesture of friendship.

I would also like to praise Minister Thach for several additional commitments he made to the delegation. First, he pledged to participate in the February technical meeting between our two countries on the POW/MIA issue and second, he expressed optimism that he would be able to turn over additional American remains at that time. Finally, he committed himself to additional joint excavations in the search for additional remains. The delegation, in return, offered Minister Thach the outstanding technical expertise of our Joint Casualty Resolution Center and Central Identification Lab in Hawaii in identifying more than 300,000 remains of Vietnamese servicemen who are still unaccounted for.

On the issue of live sighting of American POW's, the response of the Vietnamese was less positive. Minister Thach was adamant that all live sighting reports transmitted to him by our Government had been thoroughly investigated. He insisted that his Government would have no reason to be holding POWs and insisted that there were none under his government's control. The delegation tried to impress upon him that the issue of live sightings would never be resolved to the satisfaction of the American public unless reports could be investigated jointly by officials of both governments or in conjunction with an international humanitarian organization of his choice. After continued questioning and pressure on this issue, Minister Thach finally, in desperation, said that he would accompany me himself to investigate any credible live sighting reports. That invitation was subsequently extended to the entire delegation but he insisted that no other government officials were to be included and that the invitation extended only to the members of our delegation.

There are three other issues that merit mentioning on our trip to Vietnam. First, Minister Thach agreed to review all testimony presented at this hearing and to pursue questions which are raised which merit further investigation. Second, in response to our insistence that the 160,000 Vietnamese troops now occupying Kampuchea must be removed before the United States could begin to consider normalization of relations with the Socialist Republic of Vietnam, the Minister responded that they would be withdrawn by 1990. Third, we stressed upon Minister Thach not only the importance of the continuation of the Orderly Departure Program, but the expeditious release of refugees whose exit visas have been granted.

Finally, I would like to underscore the fact that the delegation adamantly insisted that there was absolutely no linkage between normalization of relations with the Socialist Republic of Vietnam.

Unfortunately, our meetings with the officials of the Government of Laos were less productive. Foreign Minister Phoun (pronounced poon) insisted there were no American POWs under the control of the Laotian government and rigorously opposed any joint U.S./Laotian government effort to investigate live sighting reports. The intransigence of the Laotian government on this issue was extremely disappointing to the delegation.

Nevertheless, it must be recognized that this is a sensitive issue of national sovereignty in their eyes. There was, however, agreement to continue our joint excavations. I am confident these efforts will remain on track. I hope that we can continue to communicate with the Laotian government in an open and frank manner and that positive progress will result in the future. I look forward to receiving the testimony of the many witnesses who will be appearing before the Committee today. I pledge to continue to work on the POW/MIA issue until it is resolved to the satisfaction of the American public. With regard to steps which can be taken by our government to expedite the resolution of the MIA/POW issue, I believe it is imperative that a clearinghouse for all unclassified information be established to which all interested parties could have access. Additionally a central clearinghouse to which all governmental agencies would have shared access is crucial for a well coordinated and united approach to the resolution of this issue.

If I obtain definitive and credible information on live sightings I intend to accept Mr. Thach's invitation.

Again, I would like to sincerely thank Chairman Murkowski for initiating this delegation trip. It was an invaluable experience for each member and we speak with a united voice in assuring you that we are dedicated to resolving the POW/MIA issue. Whether or not we will be able to pursue this generous offer extended to us by Minister Thach is yet to be seen.

I look forward to receiving the testimony this morning of the many witnesses who will be appearing before the committee today.

I pledge to continue my work in this area. I do believe that it is absolutely and fundamentally important that this country get over this. The only way I know that we are going to get over it is for full disclosure by the Vietnamese Government in cooperation with our government and our citizens.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Senator DeConcini.

The next member of our delegation who travelled us, Representative Bob McEwen, of Ohio, has an opening statement.

But before I call on him, I want to recognize our House colleague, or, more appropriately, his House colleague from Ohio, Representative Applegate.

Good morning.

Please proceed, Representative McEwen.

OPENING STATEMENT OF REPRESENTATIVE McEWEN

Mr. MCEWEN. Thank you, Mr. Chairman.

I wish to thank you and Senator DeConcini for the courtesies that you have extended to Congressman Bilirakis and myself to participate in the investigation of this important issue.

I appreciate the opportunity as well to engage in the hearings today, and I thank your colleagues for allowing us to join.

The freedom of American POWs and MIAs from the Vietnam War continues to haunt their families. It is my hope that we can facilitate a resolution of this matter.

Mr. Chairman, I look forward to hearing the statements of those testifying today. This is an appropriate forum to air the various opinions of all concerned. We want as much information as possible to pursue this issue to a just end.

While the Vietnamese Government claims that there are no surviving servicemen, their unwillingness to allow full investigation into the fates of American MIAs suggests that they have much to hide. There are still several questions regarding this issue that must be resolved. We are committed to obtaining the fullest possible accounting.

It is the not knowing that hurts the most. When speaking of a husband, a father, or a brother, 99 percent certainty is not enough, and it never will be. If fact-finding missions to Southeast Asia taught us anything, they taught us that we cannot close the books on those men and their families until we have learned all that we can. We cannot rest, we cannot relent until each and every report brought before us is given a full and conclusive airing and investigation.

We owe that to the families of the missing in action. In fact, we owe it to all Americans.

Mr. Chairman, again, I want to take this opportunity to congratulate you and Senator DeConcini and all members of this committee for this historic undertaking. We can serve no greater purpose than to serve the veterans that we are committed to helping on a daily basis than to provide this forum for a full and indepth hearing.

There are over 100 unresolved reports of U.S. soldiers alive in Vietnam. In my view, the Vietnamese Government is frustrating United States attempts to investigate these reports. They refuse to allow any international agency of their choosing, whether it be the United Nations, the International Red Cross, Amnesty International, or anyone else, to investigate.

During our meetings with the Vietnamese officials, we indicated that the American people viewed this situation in a humanitarian manner and as a humanitarian issue. We impressed upon them that, as representatives of the American people, we feel that it is in their best interest to have a full and open accounting of this issue.

I thank you again, Mr. Chairman, for your many kindnesses to me and look forward to the testimony today.

Chairman **Murkowski**. Thank you very much, Mr. McEwen.

I would ask if it is possible to accommodate some of the people outside since there is more room on this wall (indicating) and there is more room on the back wall. I would ask the officer if we could possibly accommodate those who have been standing outside.

There is probably room for eight on the right-hand side in this corner.

Speaker From the Floor. Senator, point of order. May I ask a question, please?

Chairman **Murkowski**. No, I'm sorry.

Speaker From the Floor. I'd like to know why Congressman Billy Hendon, a leading live POW advocate——

Chairman **Murkowski**. I'm sorry, sir. This is a United States Senate hearing and I would now preclude any comments from anyone other than the witnesses who have been called, or members of the committee, appropriate members, who will be heard from, or members who were part of the delegation.

I would ask that the Officer remove those articles from the table, please [indicating].

[Pause.]

Chairman **Murkowski**. We will now proceed.

We have been joined by Congressman Michael Bilirakis who, along with Senator DeConcini and Representative McEwen, made up our mission.

I welcome you to the committee. We look forward to your statement. I want to thank you for your contribution on the trip.

OPENING STATEMENT OF REPRESENTATIVE BILIRAKIS

Mr. **Bilirakis**. In the interest of time, Mr. Chairman, I would merely ask unanimous consent that I might enter my opening statement into the record.

Chairman MURKOWSKI. Your entire statement will be entered into the record, as if read.

Mr. BILIRAKIS. Thank you.

[The prepared statement of Representative Bilirakis appears on p. 260.]

Chairman MURKOWSKI. I would like now to proceed.

Since we have had opening statements from all of the members who were part of the mission, we may be joined by other members of the committee who may wish to make opening statements. The participants will be limited to those members of the committee, as I have indicated, or those who were members of the mission.

We will now proceed with our first witness, Ms. Ann Mills Griffiths, Executive Director, National League of Families of American Prisoners and Missing in Southeast Asia.

I would ask the witness to rise.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

If so, please signify by stating "I do."

Ms. GRIFFITHS. I do.

Chairman MURKOWSKI. The witness may be seated.

We look forward, Ms. Griffiths, to your testimony, and we are well aware of the dedication of your efforts in this regard.

Please proceed.

STATEMENT OF ANN MILLS GRIFFITHS, EXECUTIVE DIRECTOR, NATIONAL LEAGUE OF FAMILIES OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

Ms. GRIFFITHS. The opportunity to appear before you today is welcome.

Chairman MURKOWSKI. Maybe you could pull the microphone even a bit closer.

Ms. GRIFFITHS. There. Is that better?

Chairman MURKOWSKI. Please proceed.

Ms. GRIFFITHS. It is a welcome opportunity and it is approached with the confidence of knowing that our government is now serious and that what I say truly represents the majority opinion of the POW/MIA families.

The National League of Families is the only organization comprised solely of relatives of men still missing and is, therefore, recognized as the spokesman for those not able to be here today—2,441 American servicemen and civilians. This is a responsibility that we take very seriously.

These hearings demonstrate the increasing visibility which has resulted from the President's personal priority and concern, his determination to insure that viable, bipartisan policy was developed to obtain serious cooperation from those who have the answers—the Indochinese Governments.

The hearings also afford you, Mr. Chairman and members of the committee, a unique opportunity to help the process by asking tough questions. It has become critically important to sort out the truth of current claims and assertions which endanger the significant progress now being made and that projected within the next 2 years.

We hope you agree with the League that those who claim to have proof of Americans in captivity must be asked to provide that evidence, that those who claim a conspiracy and coverup exists must be asked to substantiate that assertion, that those who allege evidence of American POWs is being withheld from the President must be asked to document that claim.

You and the members of this committee can help get to the bottom of such claims, to determine the truth that we, the families, seek.

It is our hope that the media here will also seek the truth, not simply exploit controversy as some have appeared recently compelled to do. An objective effort should and must be made to provide the American people with facts and substance, not just the unfounded but emotionally explosive claims which provide good drama.

The POW/MIA issue is valid on its own merits, without elaboration or fabrication. Accusations, unless substantiated, undermine all that we have worked for years to achieve—the return of our men, alive and dead.

Since inception, the League's focus has been constant. Efforts of our own government have changed drastically, as has responsiveness from the Indochinese, which you recently found.

For many years, the U.S. Government's actions can best be described as apathetic and low priority. This was true throughout the bureaucracy, including the intelligence community. It was generally accepted by the families that the U.S. Government was doing nothing to resolve the issue and that official efforts were focused on presuming dead our missing men, writing off the issue, and eliminating this issue from the consciousness of the American people.

Those earlier years saw numerous demonstrations in front of the White House and the State Department, many of which I helped organize, just to keep the issue from being swept under the rug for political convenience. Had it not been for bipartisan support in the Congress and radio broadcasts by the man who is now President of the United States, we probably would not be here today.

With all that as history, the League has gained invaluable experience and knowledge and a unique perspective on events now taking place, both positive and negative. The priority for which we fought these many years is now in place.

Just this month, in my fifth trip to Hanoi, I met for the eighth time with Vietnamese Foreign Minister Nguyen Co Thach, as a member of the highest level delegation to go to Vietnam since the end of the war.

This delegation clearly reflected the priority of our government and the seriousness with which all relevant agencies are pursuing the issue. The question now being raised is why are the Vietnamese suddenly responding. In my view, their response has increased, but it is not sudden. It is the direct and logical result of a viable policy which makes it in their interest to respond.

We are now seeing the results: two-way dialogue on the live prisoner issue; return of the remains of those known captured; the recovery and return of those reported to have died in captivity; a first-ever joint excavation of a U.S. crash site in North Vietnam;

the second United States-Lao excavation to take place very soon; and pledges from both countries to continue and accelerate this critical process.

The League's first priority has been and is recovering live POWs. I have direct reason to know, as a participant in all high level delegations since 1982, that our priority is now shared by the U.S. Government, including the President.

The negative policy of past administrations on live POWs was changed by the Reagan Administration to a positive position that Americans may still be held captive. Evidence to prove their existence is being seriously pursued.

The League holds the view that Americans are still held in Indochina, a position we have maintained throughout the years. Our policy is based on weight of the evidence, history of the issue, and the many discrepancy cases which have yet to be resolved, not on unsubstantiated claims.

It is a realistic position, and we are pleased to see it is now shared by countless Americans and an increasing number in the Congress.

Too often since the priority was raised a sense of urgency has generated frustration and irresponsible actions born out of guilt or ignorance. Indiscriminate support for such activities can and does damage the issue by creating irrational expectations, interfering with serious efforts, and undermining the validity of the live POW issue through unsubstantiated claims.

None of this is helpful. This issue is viable, based on objective facts, logic, and reason.

Never since 1973 has the League witnessed direct involvement of such high-level officials. Following our return from Hanoi, Assistant Secretary of State Wolfowitz, NSC staff member Richard Childress, and I briefed the President on this latest trip and the overall issue. That 45 minute meeting included the Vice President, Secretary of State, Chief of Staff Donald Regan, and the new NSC Chief, John Poindexter.

I had known first-hand of the President's long-held interest and commitment, but his current working knowledge of what his representatives are doing to resolve the issue renders totally absurd any allegation that a conspiracy and coverup exists under this President's administration, and it is directly insulting to him.

Chairman MURKOWSKI. I wonder if you could kind of wind up. You are a little over your 5 minutes.

Ms. GRIFFITHS. I tried to synopsize it. My prepared testimony is in the record. I hit on only what I thought were the most important things.

One that must be hit is that in spite of all this, charges were raised to the press and the National League of Families of conspiracy and coverup in 1983. With Representative Billy Hendon's concurrence, the League Board of Directors referred his charges to the House task force which conducted a year-long investigation and found no basis. The House Select Committee on Intelligence subsequently reached the same conclusion and stated that they had "determined DIA was performing unbiased professional and thorough analysis of POW/MIA live sighting cases." That's the current effort that is being made.

I'll just conclude by saying we hope this forum will not only help to inform the American people of the significant progress being made to account for our men, but also alert them to the dangers to that process. We, the families, have the most to gain or lose from action or inaction of the Executive and Legislative Branches, the media, and the private sector. Our stake is greatest.

Thus, we will continue our role as the conscience against irresponsible activity in the private sector or bureaucratic apathy or ineptitude in the government. We can do no less for our relatives, still prisoner, missing, and unaccounted for, and certainly I would welcome any questions and appreciate this opportunity.

[The prepared statement of Ms. Griffiths appears on p. 263.]

Chairman MURKOWSKI. Thank you very much, Ms. Griffiths. Your entire statement will be entered into the record, as if given. We do appreciate it.

How many trips have you made to Vietnam and Laos, approximately?

Ms. GRIFFITHS. Five. Five to Vietnam and I think only four to Laos, maybe five.

Chairman MURKOWSKI. Can you indicate your general observation on the issue of progress on returning remains, just in general terms?

Ms. GRIFFITHS. Well, certainly we have seen more within the last year than throughout the issue. I believe it's just over 70. The focus is on accountability, and the emphasis on live prisoners is clearly understood. The accounting for discrepancies directly bears on the live prisoner issue, because those discrepancies are men last known to have been alive, or seen alive, many of them. So that's important.

I've seen a tremendous increase. We're going to see a lot more in the coming year, within this 2-year agreement.

That doesn't mean a 2-year wait to get out live prisoners. The live prisoner issue, and efforts on it, continues throughout these two years.

Chairman MURKOWSKI. I wonder if you'd provide for the committee some detail on the types of unresolved discrepancies—and I believe you used that word—cases which lead you to believe that Americans are still held in Indochina.

Ms. GRIFFITHS. Just saying it generically, there are cases where men wrote letters home after captivity, say, two years after captivity; men photographed alive in Laos that have not been returned; or radio broadcasts by the Vietnamese Government that, in fact, men had been captured by regular Vietnamese forces and not subsequently released, either alive or dead.

Those are what we view as discrepancy cases.

There's another kind of discrepancy case, say, where there is a photograph of a man dead on the ground, remains not returned. That also is a discrepancy.

Chairman MURKOWSKI. Can you enlighten us a little bit as to what extent the Vietnamese and the U.S. Governments are focusing to resolve the status of individuals listed as MIAs——

Ms. GRIFFITHS. Yes.

Chairman MURKOWSKI. And seeing what's going on with the remains issue, the joint excavations, and so forth?

Ms. GRIFFITHS. Right.

We know there is a great deal of information available, particularly in Vietnam, but also the even greater question in Laos, due to the minimal, by comparison, number of men accounted for.

We have seen a consistent increase in Vietnam's efforts. They are now attempting to go more or less by province in informing their own people of what they're looking for, what they need to obtain to account for Americans. They have told us that they are now able to devote those resources due to improved economic situation, improved security, and that they now intend to focus on this and concentrate on it for two years.

My view is that a pragmatic decision was made at a very high level in the Vietnamese government, that it is in their national interest to resolve this as an obstacle between the people of the two countries, and preposition themselves for eventual improvement of relations when the Cambodian issue is resolved.

So, it's a pragmatic, practical decision on their part, and I believe totally that it reaches through the Politburo.

Chairman MURKOWSKI. Thank you.

I have no further questions.

Senator Specter.

Senator SPECTER. Ms. Griffiths, first of all, I commend you for your activities, your interest, and your great pursuit of this matter.

As I understand your testimony, you believe that sufficient activities are being undertaken by the United States Government at this time?

Ms. GRIFFITHS. I will never say "sufficient" activities are being undertaken.

We had apathetic noneffort for about 8 years. There is no amount of effort that can eliminate that problems that existed in earlier years.

Nevertheless, there is always room for improvement. It is constantly being scrutinized to improve the process.

What I'm saying is I believe, from the President throughout the government, there is now a serious, conscientious effort being made. I see this from the inside, with access to classified information, and I know there is no conspiracy and coverup.

Senator SPECTER. Do you have any specific recommendations to make for any efforts which would be more intensive to try to locate POWs and MIAs?

Ms. GRIFFITHS. Yes.

I think that particularly due to what I view as the inordinate demands upon DIA for, for instance, going over the same cases again and again and again and again, particularly to some who feel there is a conspiracy and coverup, it is draining what we fought very hard to achieve—DIA resources to focus on the live prisoner issue.

The number is now, I think, at 18 and going up some more. At one time during a previous administration, under General Tighe's directorship, it was very low, being phased out. But the increased resources that it took us this long to get and that our administration, current administration, managed to obtain are being, in my view, totally diverted from their primary purpose, to continue to go over the same ground on charges of conspiracy and coverup.

They've been investigated to death.

So, one of the things is more personnel in DIA and some way that the Congress can monitor its own, through the committee system or whatever, to insure that those resources for live prisoners are not spent on other matters.

Senator SPECTER. Well, there still remains a significant body of public opinion which feels that the government is not doing as much as the government ought to be doing.

What suggestions do you have in a specific way which would satisfy that very significant body of public opinion which thinks that the government is not undertaking enough activity?

Ms. GRIFFITHS. As I said, we all agree that something can always be improved on and done more and done better and done faster.

Nobody is more impatient than the families to get prisoners returned, to get the accounting. The only thing that can be done is to continue to improve what is being done. We have the President's own assurance that intelligence collection priorities are at extremely high level, the same as national security interests in the area.

We can always use more resources, obviously. Mr. McFarlane, the former head of NSC, expressed frustration that we have thus far been unsuccessful in human intelligence collection. That is something that has been a rebuilding process for years, since it was practically decimated.

It is constantly monitored. Even people within the government are not satisfied with not yet obtaining the results we need. But it is something that has to be continuously monitored and assessed and improved, because we want results, too.

Senator SPECTER. Well, in the light of the controversy, with some maintaining that not enough is being done, why wouldn't it be sensible to have an impartial commission constituted which would make the review?

This committee is undertaking oversight, but it is very difficult for this committee to expend sufficient efforts to really resolve the controversy. When you have public spirited citizens who move in what appears to be good faith with the disagreement, where you have the questions which are remaining in the public context, where you have concerns about whether sufficient has been done which has to impact upon the future potential military activities of our country, if young men are going to be asked in the future to serve, as undoubtedly will occur, and there needs to be public confidence in what the government is doing, why not have an independent commission make that kind of intensive oversight effort to try to resolve the differences that you articulate contrasted with what other citizens have said?

Ms. GRIFFITHS. In the first place, some of those allegations concerning the need for a commission or that the government isn't serious about what it's currently doing—and, again, I say it will never be enough to make up for what wasn't done—but, when you're talking about a commission, there are several reasons why it is not advisable at the current time, in the League's view, and, certainly, that's by vote of the entire family member mailing list.

A commission which brings in, no matter who they are, some people to review current intelligence data on this issue, that is charged specifically with determining if prisoners are held and recommending a course of action to obtain their release, is going to review information already available. It is assumed, therefore, by the formation of the commission, that you accept a theory of conspiracy and coverup, which has been discredited repeatedly.

More importantly, a commission, if formed now, under the current circumstances, gives the Vietnamese a reason to stall. We, during the Vietnam War, saw a great divisiveness in this country. If the Vietnamese perceive, as they will if a commission comes in, that they can stall, stop any further progress and cooperation, even with the two-year time pledge, and wait to see if they can get a better deal. Will this commission reach conclusions, as has happened before? Two other commissions or committees were formed, both had final reports that virtually wrote this issue off. The last thing in the world we need right now is a commission to investigate this. They will come up on the live prisoner issue with the same position: you can't rule out the possibility based on evidence available and proceeding under the assumption.

But will the media carry it that way? No.

The media will say the POW/MIA commission finds no evidence prisoners are held, and we are then dealt another, negative, blow to what is now a positive position being pursued seriously.

Now, why would the families want to write off the live prisoner issue in that way and portray to the Vietnamese divisiveness?

Senator SPECTER. Thank you, Ms. Griffiths.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much.

We have been joined by Senator Rockefeller, who is a member of the committee.

We welcome you to the committee.

If you have a statement, it may be appropriate now to proceed.

As you know, we are just starting with a long list of witnesses.

OPENING STATEMENT OF SENATOR ROCKEFELLER

Senator ROCKEFELLER. I know that, Mr. Chairman.

I will simply ask that my statement be put in the record.

Fundamentally, it has very high praise for you, as Chairman, for Senator DeConcini, and for the members of the House who accompanied you on this trip. It also reflects my hope that an even deeper effort will be made by our committee and by others to tackle this problem of missing servicemen on an ever-growing basis. My concern is that while the Administrator seems to be much more aggressive recently, it may not be aggressive enough.

Fundamentally, I am concerned and appreciate your trip and your leadership. I wish that I had been on that trip with you.

[The prepared statement of Senator Rockefeller appears on p. 258.]

Chairman MURKOWSKI. Thank you very much, Senator Rockefeller. I do appreciate your consideration of the time constraints.

Your entire statement will be entered into the record, as if read. We appreciate your interest in this subject.

I would call on my colleague, Senator DeConcini, who I believe has some questions of Ms. Griffiths.

Senator DECONCINI. Thank you, Mr. Chairman.

Ms. Griffiths, I know you are both a sister of an MIA and Executive Director of the National League of Families, and I know that for many, many years you have invested a great deal of time trying to resolve the issue to the satisfaction of thousands of anguished families and millions of Americans who have a great concern in this area.

Do you consider the League as an advocate for the POW and the MIA families?

Ms. GRIFFITHS. Do I consider the League as an advocate?

Senator DECONCINI. Yes, is it?

Ms. GRIFFITHS. Yes, absolutely.

Senator DECONCINI. Is that what their position is?

Is it true that you have entered into a secrecy agreement with the State Department?

Ms. GRIFFITHS. No, that is not true.

Senator DECONCINI. So, you have no secrecy arrangement——

Ms. GRIFFITHS. No, I do not.

Senator DECONCINI [continuing]. With the State Department?

Ms. GRIFFITHS. No.

Senator DECONCINI. Is it true that you have access to classified information from the State Department?

Ms. GRIFFITHS. From many agencies in the U.S. Government.

Senator DECONCINI. From many governmental agencies?

Ms. GRIFFITHS. Yes.

Senator DECONCINI. How did you achieve that status?

Ms. GRIFFITHS. You'll have to ask for the kind of legal clarifications from the Department of Defense, but, in 1979, originally it was granted through DIA to give the League access to DIA followup on the live sighting reports in particular; because, when the U.S. Government started to get serious, then General Tighe at that time—I believe it was August 1979—started refusing to declassify and release any live sighting reports.

To insure that the League was aware of DIA's followup which, at that time, by comparison, was very low level, they gave me access to that followup information. It has since expanded, quite clearly. For instance, in 1983, it was way above Top Secret level, to set up secret meetings between a White House representative and Foreign Minister of Vietnam. Nevertheless, that was my role because the U.S. Government did not at that time, and still doesn't, have normal relations.

Senator DECONCINI. So you have access to that information. But you are also constrained, obviously, by the classification of that information, are you not?

Ms. GRIFFITHS. Absolutely. I would not release classified information.

Senator DECONCINI. How can you resolve the problem of not disclosing this to those you represent—as an advocate, as the Executive Director—to your board members and your members? When you have classified information that you can't disclose, how can you put yourself in the position of being an advocate when you have to support the government's classified information, regardless of whether you believe it's true or not true?

Ms. GRIFFITHS. Well, probably on the same basis you do, Senator. You see a lot of classified information, and I'm sure you consider yourself an advocate and a representative of the people in your constituency, in the State of Arizona.

I'm sure you don't feel any problem with being that advocate and having the classified information.

Senator DeConcini. But I am able to discuss it with my colleagues, who can make a change in pressuring the administration in one direction or another to either declassify or change a policy.

How can you do that only with yourself? Is that right?

Ms. Griffiths. No. That is incorrect.

I discuss and directly affect policy, quite clearly. But again, you can question State and DOD. But certainly I, rather the League because I advocate League positions, is able to affect the policy of the U.S. Government on this issue through my ability to be involved on a classified basis at a very high level. Otherwise, those League views would never be available during the policy formulation process.

Senator DeConcini. Do you determine the League view or does the Board determine it?

Ms. Griffiths. The Board of Directors determines the League policy. I implement that policy.

Senator DeConcini. Do you share the classified information with the Board members?

Ms. Griffiths. No.

Senator DeConcini. How can they possibly make a decision, then, that is going to represent the League's views and policy when they don't know the information that you have?

Ms. Griffiths. The League is briefed both by me and U.S. Government officials on a sensitive basis, deleting strictly classified information, and there are many things, knowing the broad policy of the League, that I am able to implement due to so many years of involvement in this issue.

There is no conflict, and even the old Board—and one of your constitutents, when Colonel Hopper was Chairman of the Board—when there was a problem because I could not tell them in advance of a trip to Vietnam, which was, at that time, secret, still that Board maintained that I operated fully within League policy in implementing it.

Our purpose and our policy is really very simple. Implementation is my responsibility.

Senator DeConcini. And without the Board having any knowledge of the information you have that you feel ought to be implemented as policy—is really what you're saying.

Ms. Griffiths. I didn't understand your question.

Senator DeConcini. The Board doesn't know what you know because of classification. And yet, they make a determination as to policy. You implement that policy, but you have a lot of other information besides——

Ms. Griffiths. A great deal.

Senator DeConcini [continuing]. That you can't share with them, which puts you in a very precarious position, I would think, of not being able to advise the Board really on what the government is doing.

Ms. Griffiths. It is not just I who advise the Board. But the families have considered this, the entire membership, at our annual meeting, and again and again have supported my continued access to represent their views in classified forums.

Otherwise, the League is out in the cold, the families have no access. It is in the Reagan Administration, obviously, that that access has grown to include what the League has always advocated.

What you're seeing now is U.S. Government policy which has been advocated right down the line by the National League of Families—high level negotiations, raised intelligence priorities, incorporating the good offices of the ASEAN countries to help us to resolve a humanitarian issue, a public awareness program to inform the American people of this issue and gain their support to set the climate for high level negotiations. Everything the U.S. Government is currently doing was advocated by the National League of Families.

Now, would you consider that——

Senator DECONCINI. Have you traveled to Kampuchea or Cambodia?

Ms. GRIFFITHS. No, I have not.

Senator DECONCINI. Is there any reason that you haven't done that?

Ms. GRIFFITHS. Yes, there is.

The reason—would you like to know the reason?

Senator DECONCINI. I'd like to know the reason.

Ms. GRIFFITHS. The reason is that the men that are missing in Cambodia were lost in the Parrot's Beak area or in areas which were controlled by regular Vietnamese forces. It has been known for many years that the Vietnamese are the ones who have that information.

When you add to that the fact that the government now in power was nowhere around, and, in fact, Pol Pot was subsequently around since that time, it makes it even more abundantly clear that whatever information the current government in Pnom Penh might have would have to have come from the Vietnamese.

Senator DECONCINI. Is that the policy of our State Department?

Ms. GRIFFITHS. I don't really know their policy.

I know that the U.S. has absolutely no relations with the Phnom Penh government.

Senator DECONCINI. That's a determination that you and the Board of the League decided, that you ought not to——

Ms. GRIFFITHS. The Board has never considered the question of whether or not I should visit Cambodia. I'm certain they'd be glad to do so. Our Chairman of the Board is George Brooks [indicating].

Senator DECONCINI. You've decided that that's not in the best interest of this issue to talk to any officials in Cambodia or to make a visit there?

Ms. GRIFFITHS. That's incorrect.

I've made approaches to the Cambodian Foreign Minister, Mr. Hun Sen. He has never responded to them.

Senator DECONCINI. You have made a request to visit Cambodia?

Ms. GRIFFITHS. No, I have not made a request to visit. I wrote a letter to Mr. Hun Sen and had it delivered to him by the Foreign Minister of Vietnam.

Senator DECONCINI. I think it's very positive that you've made as many trips as you have to Vietnam and have met with Mr. Thach and also that you have made trips to Laos. I find it very disturbing that we were advised not to go to Cambodia. I would very much like to have done that, and I wondered why you, as an advocate of the MIA/POW families, would not also have a tremendous desire to see face-to-face whoever is the leadership in Cambodia to express your views and to attempt to impress upon him the importance of the issue. I know that our State Department has that position because of the reasons you've given, which to me are absolutely ridiculous. It's like saying let's not talk to other governments because they are being occupied by some unfriendly force. I just find that very difficult.

Are you in possession of information as a result of the classified information that you received from the government which you feel would be advantageous to share with your Board of Directors if it were declassified?

Ms. **Griffiths**. In the first place, I do not "possess" classified information. I have never physically possessed it.

Senator **DeConcini**. No, I mean in your mind, Ms. Griffiths. I'm not talking about a piece of paper. I'm talking about access to it.

Ms. **Griffiths**. I wanted to clarity it for the record——

Senator **DeConcini**. I understand.

Ms. **Griffiths**. That I do not retain classified documents.

Senator **DeConcini**. I understand.

Ms. **Griffiths**. My Board, and, in fact, the National League of Families' newsletter constantly verges on violation of classified information. That is another benefit of having access, that you can know things and be able to discuss them in print without violating classification.

As far as what I assume is the intent of your question, do I have evidence from a classified basis that it, in fact, proves prisoners are alive that I have not shared with my Board—is that the gist of your question?

Senator **DeConcini**. Well, I'm not asking you to divulge anything of a classified nature.

Ms. **Griffiths**. Oh, no. I know.

Senator **DeConcini**. What I'm asking is do you have classified information that, in your judgment, would be very beneficial to share with your Board members if it were declassified?

Ms. **Griffiths**. If I had my——

Chairman **Murkowski**. Senator, I wonder if you could kind of wind up your questions because the 5 minutes has expired.

Senator **DeConcini**. Yes, sir.

Ms. **Griffiths**. Senator, if I had my way, every member of the Board would have more access.

My Board has more information now than at any time in the history of the League because of the sensitive briefings they receive. It is not possible to continually open up classified information to anyone.

Senator **DeConcini**. Well, I would only say, Mr. Chairman, that I disagree. Seeing some of the classified information on this subject matter from DIA and CIA, there is no reason at all, in my judgment, that much of it couldn't be declassified.

Ms. **Griffiths**. I agree.

Senator DeConcini. If you have the same access to that information, I would think you would be a most positive force in trying to get it declassified so you could share it with your Board, so your Board could have the information to make policy decisions that you could implement.

Ms. Griffiths. I do.

Senator DeConcini. But apparently you are satisfied with what you have.

Ms. Griffiths. That's incorrect.

Excuse me. I am not satisfied. I continually press the U.S. Government to declassify every bit of information possible. And, in fact——

Senator DeConcini. But that's what I asked you, Ms. Griffiths. Thank you.

That's just what I asked you—if you thought it would be advantageous to your Board if some of the classified information you had access to was declassified. And then you were defensive that it wasn't necessary——

Ms. Griffiths. No, no, no.

Senator DeConcini. Now you say that the classified information should be declassified.

Ms. Griffiths. Senator, that's incorrect.

Chairman Murkowski. Senator, I think that allegation is inappropriate.

Senator DeConcini. Well, Mr. Chairman——

Chairman Murkowski. I would ask that we move on to the next line of questions.

Senator DeConcini. Point of order, Mr. Chairman. I'm in the process of trying to get an answer here. I realize my time is up. I'm not going to pursue any further questions. But I object to the Chairman saying that my question is out of order. My question is within the range of discussion here—I'm not asking for classified information, I'm not badgering the witness, I'm just asking for some information. I don't appreciate the Chairman telling me that my question is out of order.

Chairman Murkowski. I think that the witness has responded to the Senator from Arizona.

Senator Rockefeller.

Senator Rockefeller. No questions.

Chairman Murkowski. Representative McEwen.

Mr. McEwen. Thank you, Mr. Chairman.

Due to the courtesies extended by this committee, I have only one question, and that is this. Would you share with us what you would like to see members of Congress do more on this issue?

Ms. Griffiths. Yes.

I strongly feel that oversight by the responsible committees of current U.S. Government efforts is critically important. I think that's vital.

We have such oversight now, and I think it's important to continue it.

I think as far as actual obtaining results, I think the very most important thing members of Congress can do is to convey to the Vietnamese the interest and concern of your constituency in seeing this issue resolved, and showing them a united America rather than a divided America in obtaining that objective.

Mr. McEWEN. Thank you very much, Mr. Chairman.

Chairman MURKOWSKI. Representative Bilirakis.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Ms. Griffiths, in responding to the questioning by Senator DeConcini, your exact words were "access to information"—actually, you said "classified information"—but I would say "access to information from many governmental agencies."

What does that mean?

Does that mean that your work takes you into working with a number of different agencies?

Ms. GRIFFITHS. Yes.

Mr. BILIRAKIS. Such as?

Ms. GRIFFITHS. Well, just on the interagency group itself, there's State, and Defense, and DIA, and JCS, and, let's see, staff members of the Congressional committees in the House, and JSC obviously.

MR. BILIRAKIS. JCRC?

Ms. GRIFFITHS. JCRC is not a policy group. It's an implementation group. But certainly I do talk to them on a classified basis.

Mr. BILIRAKIS. You do talk to them.

You do coordinate with them?

Ms. GRIFFITHS. No, not on policy. They are in the implementation, technical phase.

Mr. BILIRAKIS. Well, is there a particular department or agency that you work with most?

Ms. GRIFFITHS. Is which?

Mr. BILIRAKIS. Is there a particular department or agency that you work with the most? Is it DIA, for instance?

Ms. GRIFFITHS. It used to be mostly DIA. Now it's mostly State, DOD, and the White House—because the focus is on policy on the overall issue. With DIA it's strictly monitoring of live sighting reports and followups to insure they're done in a timely manner and professionally, from my inexperienced view of it.

Mr. BILIRAKIS. Well, I guess I maybe don't understand quite adequately enough what the role of the National League of Families is.

As part of our trip, we visited the JCRC facilities. I think I'm satisfied that each individual department—DIA, JCRC, if you will, probably the DOD, CIA and what not—is relatively efficient in terms of what they do. But I see a case of a lack of correlation of information, a case of a lack of coordination, a case of the right hand quite often not knowing what the left hand is going.

If I, for instance, want to get an up-to-date picture on a particular MIA/POW case, is there one particular group that I would go to and know that I've gotten access to everything that has been gathered together as a result of that particular case?

Ms. GRIFFITHS. I would say, I mean, we've had this problem for years. It's much better now than it's ever been before.

Mr. BILIRAKIS. All right, but it's still a problem?

Ms. GRIFFITHS. I think it is.

Mr. BILIRAKIS. OK.

Ms. GRIFFITHS. But I would say the best place, if you're talking about an individual MIA, then the logical place is through the

Service Casualty Office. But JCRC maintains files. They maintain files for a different reason than Service Casualty, and a different reason yet from DIA.

So all the information is now available to the families, and obviously to a member of Congress, by making one request which reaches to CIA, DIA, JCRC. It's put together, and most of it is pretty much a duplication now.

But still, each has a different role.

Mr. BILIRAKIS. I would have to make a number of different requests, would I not?

Ms. GRIFFITHS. No. One request to the Service Casualty——

Mr. BILIRAKIS. But addressed to each separate department or agency?

Ms. GRIFFITHS. No, no.

Mr. BILIRAKIS. Who would I make that request to?

Ms. GRIFFITHS. To the Service of the man who's missing.

The Reagan Administration adopted a policy in 1982 to make that a simpler process where there is one request from the family to go to the Service which automatically causes the reaction of going to every U.S. Government agency which may have information which relates on the case. That's the way to do it.

Mr. BILIRAKIS. All right.

Are you saying that the Department of the Army, in the case of a person in the Army, has available in their files every piece and every shred of information that has been gathered together by each one of the various agencies?

Ms. GRIFFITHS. No.

Mr. BILIRAKIS. No.

Well, then, I would still not be able to get the complete, up-to-date picture.

Ms. GRIFFITHS. Yes, sir, you would.

What you do is contact—now, I would never say, certainly I would never say that any Service has every shred of information because I don't believe it. But the Service is the one request. They, by virtue of the new policy, go to all the agencies, and what you end up with—and with being a Congressman I think it's a three day response time, so it's quick, not like us—but they go to every other agency. It takes one request. It all comes together. You get it from the legislative liaison people of the Army.

That's the way it's done.

Mr. BILIRAKIS. Well, all right. That's if I make a request.

Ms. GRIFFITHS. Yes.

Mr. BILIRAKIS. If I don't make a request, then there is no central correlation or central clearinghouse of the various information so that possibly this piece fits into this piece and it might afford us a better picture as to what the current status might be.

Ms. GRIFFITHS. There is.

I think, really, you're talking about the technical aspects of coordination between U.S. Government agencies.

Mr. BILIRAKIS. Amen to that.

Ms. GRIFFITHS. I think it's probably more appropriate if you ask Rich Armitage on Thursday, since that's a DOD function and the Service Casualty operations and JCRC fall under his jurisdiction. He would be the one to tell you exactly the mechanics.

Mr. Bilirakis. All right, and I will ask Mr. Armitage.

But I would ask you, as an advocate of the families, do you feel that the current setup in the current system is adequate toward that end?

Ms. Griffiths. No.

I'm always fighting with them to improve it, particularly to declassify every bit of information.

Now that has been done up to current. Nevertheless, it's too slow. It needs quicker coordination between the policy level at DOD and the Service Casualties when something happens.

I do see reports all the time that go directly to the Services that say right in the text "release to the family," and they do it. It goes in the Service Casualty file.

Mr. Bilirakis. It doesn't go into the JCRC file?

Ms. Griffiths. No.

Mr. Bilirakis. It doesn't go into the DIA file?

Ms. Griffiths. Yes, they do.

Mr. Bilirakis. Does it go into the CIA file?

Ms. Griffiths. I don't know about the CIA.

Mr. Bilirakis. Who sees that that is done?

Ms. Griffiths. It's a coordination function, and I think you should ask Armitage or one of those guys. I don't know who sees it.

I know that the directive came out in 1982 for a coordination of the files.

Now it comes in, say, from Refugee Interviewing Reports in Thailand or in the border camps. It goes to JCRC Headquarters in Honolulu. It is then sent to DIA and to the appropriate Service Casualty.

You know, I don't maintain those records. All I know is how the system is supposed to work. I can't guarantee it does, especially in every single case. I've seen it work a lot, but I don't know.

Mr. Bilirakis. Thank you, Ms. Griffiths.

I thank you, Mr. Chairman.

Chairman Murkowski. Thank you very much.

I want to thank you, Ms. Griffiths. I think your testimony has been very responsive and very complete. We wish you a good day and we certainly recognize the contribution of you and your association on this very vital matter.

We commend you for those efforts.

Thank you very much.

Ms. Griffiths. Thank you, Senator.

Chairman Murkowski. I would depart in order to accommodate our fourth group of witness. I would call on Mr. Cooper T. Holt, Executive Director of the Washington Office of the Veterans of Foreign Affairs, who will be accompanied by Mr. Kenneth Steadman, Director, National Security and Foreign Affairs Division, Veterans of Foreign Wars; and Mr. Paul S. Egan, Deputy Director, National Legislative Commission, The American Legion, accompanied by Mr. Harry Sullivan, Deputy Director, Foreign Relations Division, The American Legion, Washington, DC.; and Mr. Stephen L. Edmiston, Deputy National Legislative Director, Disabled American Veterans, Washington, DC.

I want to advise the witnesses as well as my colleagues that we have gone an hour and fifteen minutes and have completed one witness. So obviously these hearings will not be concluded today.

I think it fair to notify the other witnesses—and there are on my list 18—that we will attempt to go at least until 12:30 today. At approximately 10:30, there will be a short recess.

I have been called down to the White House for a 15- or 20-minute meeting. Senator Simpson will be coming up from the White House and will be chairing the hearing during my absence.

I would ask the witnesses to rise.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

If so, please signify by stating "I do."

Mr. Holt. I do.

Mr. Steadman. I do.

Mr. Egan. I do.

Mr. Sullivan. I do.

Mr. Edmiston. I do.

Chairman Murkowski. The witnesses may be seated.

You may proceed in any order you wish, but please introduce yourselves for the record.

STATEMENT OF COOPER T. HOLT, EXECUTIVE DIRECTOR, WASHINGTON OFFICE, VETERANS OF FOREIGN WARS OF THE UNITED STATES, ACCOMPANIED BY KENNETH STEADMAN, DIRECTOR, NATIONAL SECURITY AND FOREIGN AFFAIRS

Mr. Holt. Mr. Chairman and members of the committee, thank you for the privilege of appearing before this distinguished committee to present the views of the Veterans of Foreign Wars of the United States.

I am Cooper T. Holt and it is my privilege to serve the more than 2 million men and women of the Veterans of Foreign Wars as the Executive Director of our VFW Washington office.

Accompanying me this morning is Mr. Kenneth Steadman, Director of our National Security and Foreign Affairs programs.

Mr. Chairman, in the view of the Veterans of Foreign Wars of the United States, the resolution of the POW/MIA issue is one of our top priorities. For too long it was an issue that lay forgotten except by the National League of Families and a few organizations, such as ours.

Now it is not forgotten and, indeed, it has become a top priority issue for resolution by the current administration. We are certainly glad the cause of our missing men has the attention and the concern of the Congress as well.

Your recent trip to Vietnam, Mr. Chairman, I believe helped carry the message to Hanoi that America's veterans want and expect the fullest possible accounting of our missing comrads. The news accounts of your meetings reassure us that the message did indeed get across to the Vietnamese. Hopefully your trip and this hearing will help dispel some of the confusion and misinformation about the POW/MIAs from which this important issue still suffers.

Also, I believe your trip drove home the point to the Vietnamese that the Congress and the Administration are both firmly united in this effort.

Mr. Chairman, the VFW believes in and firmly supports these efforts to account for the more than 2,400 Americans still missing in Vietnam and Laos.

For years, we urged a government-to-government approach to this issue, and we continue to support this approach now. The VFW believes the government-to-government approach offers the best opportunity to recover any Americans who may still be alive in Southeast Asia and also gain the return of the remains of other American servicemen.

By accomplishing these priority tasks, we believe our larger goal of the fullest possible accounting of all missing men will be reached.

With respect to the specific topic of live sightings of MIAs in Vietnam, you as well as I are well aware that Hanoi denies any Americans remain there. Yet our government has numerous reports that are evidence Americans may still be in Southeast Asia.

The VFW believe that, despite Hanoi's denials, these reports must be pursued through the government-to-government approach until a full accounting has been completed.

Also, as our VFW Commander-in-Chief stated in a recent article on this subject, any group or individual with information about POW/MIAs should turn it over to the proper government authorities; then he went on to say, should be accepted as a patriotic duty by all Americans.

In closing, Mr. Chairman, let me reiterate that the Veterans of Foreign Wars of the United States has been and will remain dedicated to the fullest possible accounting of all of our servicemen either alive or dead.

We believe it is a matter of honor for all of us to see their speedy recovery or return and that we expect the government to use its full resources at its maximum capability to reach this goal at the earliest opportunity.

Thank you, Mr. Chairman and members of the committee, for allowing me another opportunity to speak out on behalf of the VFW on this issue.

Mr. Chairman, this concludes my statement.

Appended to my testimony is an article over our national Commander-in-Chief's byline which apeared in the January issue of our VFW magazine, entitled "The POW/MIA Issue;" also a copy of a resolution passed at our last national convention held in Dallas, Texas, entitled, "America's Prisoners of War and Missing in Action, a Non-Negotiable Matter of Honor" is also attached.

We respectfully request this article and this resolution be made a part of this hearing.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Holt appears on p. 279.]

Chairman Murkowski. The entire article will be entered into the record as if read.

I thank you, Mr. Holt.

Is Mr. Egan the next witness?

Next is Mr. William Egan, Deputy Director, National Legislative Commission, The American Legion. We welcome you to the hearing.

I wonder if you gentlemen might change seats for the testimony because that cord is not going to stretch any further.

STATEMENT OF PAUL S. EGAN, DEPUTY DIRECTOR, NATIONAL LEGISLATIVE COMMISSION, THE AMERICAN LEGION

Mr. Egan. Thank you, Mr. Chairman.

Harry Sullivan will summarize the statement for the American Legion.

I would like to say at the outset, however, that we certainly commend you for holding this hearing. One of the keys in all of this, as far as we are concerned, has been to maintain the high profile of public awareness of this issue, and certainly holding hearings provides not only a forum but provides a vehicle for maintaining that public interest.

Chairman Murkowski. Thank you very much, Mr. Egan.

The next witness is—go ahead and introduce yourself. The signs didn't go around, evidently.

STATEMENT OF HARRY SULLIVAN, DEPUTY DIRECTOR, FOREIGN RELATIONS COMMISSION, THE AMERICAN LEGION

Mr. Sullivan. Mr. Chairman and members of this committee, the American Legion welcomes this opportunity to present our views on this vital matter.

Chairman Murkowski. Would you identify yourself, please.

Mr. Sullivan. Yes, sir.

I am Harry E.B. Sullivan. I am the Deputy Director for Foreign Relations of the American Legion.

Chairman Murkowski. Thank you.

Mr. Sullivan. And I am the individual in the Legion who works on this issue continually.

We are very happy to have this opportunity.

I have submitted a statement along with our appropriate resolutions, and in the interest of time, I would just like to hit the highlights.

Chairman Murkowski. Your entire statement will be entered into the record, as if read.

Mr. Sullivan. The American Legion has, for many years, taken a leading role in seeking to expand public awareness and governmental activity to solve this last remaining great moral and political issue of the Vietnam War. We will do everything possible, have done so in the past, and will do so in the future, to ensure that any live prisoners are returned, that the status of the missing is resolved, and that the remains of those who died bravely are returned to their loved ones.

In resolving this issue, we are convinced that the only feasible alternative for the United States Government is to pursue government-to-government activities, designed to marshall resources and coordinate efforts to get results.

We believe in the last few years that such progress has been clearly evident. We see a lot of signs of this including the personal commitment of the President and his promise (which he has reiterated on many occasions) that if he is given credible evidence of Americans alive in Vietnam or Southeast Asia, he will take decisive action.

We must keep that in mind.

Secondly, we have been very pleased by the high-level negotiations and the current pledge of the Vietnamese to resolve this issue within two years. We see that progress is being made. It is not adequate, but we expect to see more progress in the future.

The important thing at this time is for all Americans in a bipartisan spirit to support the growingly effective policy of the United States Government. We do not believe that private efforts, even though well-intended, will have any positive effect in this situation.

From its inception, the American Legion has supported the National League of Families, from the very day they were founded, and we continue to support them. We believe they are the representatives and the advocates of those most closely concerned with this very important issue, and we look forward to working with them in the future.

We commend the activities of this committee in this very important effort, and we look forward to continued progress in the future.

Thank you very much.

[The prepared statement of Mr. Egan and Mr. Sullivan appears on p. 289.]

Chairman MURKOWSKI. Thank you very much. I appreciate your testimony, and I do assure you that youre entire statement will be entered into the record as if read.

Mr. Edmiston, please proceed.

Our witness is the Deputy National Legislative Director, Disabled American Veterans.

STATEMENT OF STEPHEN L. EDMISTON, DEPUTY NATIONAL LEGISLATIVE DIRECTOR, DISABLED AMERICAN VETERANS

Mr. EDMISTON. Thank you, Mr. Chairman.

On behalf of the more than one million members of the Disabled American Veterans and its Ladies Auxiliary, I wish to thank you for the invitation to appear at today's hearing to present testimony on issues pertaining to live sighting reports of American prisoners missing in Southeast Asia.

Mr. Chairman, the DAV has for more than a decade maintained an enduring interest in the welfare of those Americans listed as missing or otherwise unaccounted for in Indochina. Over these years, the DAV has worked closely on this issue with the only national organization representing families of those missing, the National League of Families of American Prisoners and Missing in Southeast Asia. And during that time we have witnessed our government moving from a position to negligent inactivity to witnessing, just a few short weeks ago, a visit by the highest level U.S. delegation to Vietnam since the end of the Vietnam war, to discuss with high ranking Vietnamese officials the resolution of this important issue.

Mr. Chairman, your invitation to the hearing today requested our views on live sighting reports.

Chairman **Murkowski**. Excuse me, Mr. Edmiston. May I just interrupt briefly?

I am going to pass the gavel to Senator DeConcini, who will be conducting the hearing as chairman until Senator Simpson comes in in a few minutes, and I will be back after that.

Please proceed.

Mr. **Edmiston**. Thank you.

Your invitation to appear at today's hearing requested our views on live sighting reports, and in this regard, the DAV does not have any specific information relative to live sighting reports that would prove useful to the committee. However, I do wish to emphasize that the DAV does support the U.S. Government's current efforts and policy on this issue.

And for your information and the information of the other members of this committee, I am appending to my testimony a copy of the most recent resolution adopted by the delegates attending the DAV national convention this past summer in support of this issue.

In concluding, I would like to commend the Chairman and Senator DeConcini, and Congressman McEwen and Congressman Bilirakis for their recent efforts on this important issue, on their trip to Vietnam, and to thank the committee for this opportunity to appear here today.

Thank you.

[The prepared statement of Mr. Edmiston appears on p. 295.]

Senator **DeConcini** [presiding]. Gentlemen, in the absence of the chairman, I want to thank you very much for your testimony. I think your organizations have set an excellent example in advocating for the veterans in many, many areas, but certainly in the field of the MIAs. Your constant pursuit of this issue before Congress as well as with administration leaders I think has paid off, and this Senator wants to thank you for this determination and also the spirit in which you have approached it on a bipartisan basis, because there is no partisanism in resolving this issue. We all have our partisan bents and political favoritism, but I compliment all three of your organizations for your steadfastness in pursuing this in a very honorable spirit.

I have no questions.

Senator Rockefeller.

Senator **Rockefeller**. No questions.

Senator **DeConcini**. Mr. Bilirakis.

Mr. **Bilirakis**. Mr. Chairman, thank you. I, too, am very grateful to our national groups for their support on this matter.

Just very quickly, you probably heard my questioning Ms. Griffiths. I would like to feel that I go into these hearings with an open mind because then it is a real learning process. If you do not go in with an open mind, it is not. And I am certainly not taking pot shots at the League of Families. I think that in general they are doing a pretty good job.

But I am not satisfied that each agency or department of government that is working on this issue has all of the information available to it that maybe other groups also may have. So many of them, you know, get caught up in the bureaucratic mess. I am just kind of interested, I know you have been working on this issue, you have your legislative department working on it, and I just wondered if you had any comments in that regard, any of you.

Mr. EGAN. I would say apart from the typical bureaucratic inertia that always keeps the job from getting done, it's really a sad statement that the delay in getting any serious work done on this issue has really been a casualty of what has to be considered the national embarrassment as a result of our involvement in Vietnam. Always to do more is better, but just exactly what we might do to get more done is not very clear.

Mr. HOLT. Mr. Bilirakis, the only thing I can add to that is that there certainly is much classified information over there in the Pentagon, and the only way, I suppose, that we can get much of this declassified would be through the assistance of members such as yourself in the Congress and in the Senate. I believe much pressure could be put on these people to declassify a lot of the information, and I see no reason for all of it to be classified that they have over there at the present time.

Mr. EDMISTON. I think your concern is well taken, and while much has been accomplished in the last four or five years, certainly more could be done to improve the coordination, I think, among these different agencies to ensure that the information is available at one source.

Mr. BILIRAKIS. Thank you.

Thank you, Mr. Chairman.

Senator DECONCINI. Representative McEwen, do you have any questions?

Mr. MCEWEN. Simply to say, Senator, that I concur with the kind comments that you made about the debt that we owe these organizations and the contributions they have made.

Thank you.

Senator DECONCINI. Representative Applegate, do you have any questions?

Mr. APPLEGATE. No, Mr. Chairman. Thank you.

Senator DECONCINI. Thank you very much.

Our next witness will be Major Mark Smith, United States Army (Retired), and Sergeant First Class Melvin McIntire, United States Army.

Would you gentlemen please step forward and raise your right hands?

Will counsel be testifying also?

Mr. WAPLE. No, sir.

Senator DECONCINI. Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth?

If so, please say "I do" and be seated.

Major SMITH. I do.

Sergeant. MCINTIRE. I do.

Senator DECONCINI. Major Smith, your full testimony will be put in the record. You are given 5 minutes here to summarize it.

You may proceed, sir.

STATEMENT OF MAJ. MARK SMITH, U.S. ARMY (RET.), ACCOMPANIED BY MARK L. WAPLE, ESQ., COUNSEL

Major SMITH. Thank you.

I have served in the United States Army from approximately 1963 in the military grades of Private, Sergeant First Class, and eventually as an officer. I received my officer's commission on the battlefield from then General Westmoreland in 1968, and thereafter commanded two United States Army Infantry Companies, advised Vietnamese Airborne and Ranger battalions, and served in 1972 as the ground commander at Loc Ninh, Republic of Vietnam when it was overrun by a multidivision force of infantry and tanks. I served as a prisoner of war and was held in Cambodia until my release in 1973 as part of Operation Homecoming. I am authorized to wear the Distinguished Service Cross, the Silver Star, nine awards of the Bronze Star, four awards of the Purple Heart and other decorations.

Approximately in April 1984, while assigned to the Special Forces Detchment-Korea, there was an occasion when I was required to turn over certain information to an Army Major General. This information was generated because back in 1981, as the detachment commander, I had been given a mission to gather intelligence on the Korea Special Forces because of their ties to the Korean President and on the Thai Special Forces and any other special operations forces in Asia with whom my unit worked.

In approximately July 1981, the subject of American POWs first came up when I was approached by a Thai general officer who was concerned about Lieutenant Colonel Bo Gritz. He said that Gritz's information supported or corroborated information that his own intelligence had obtained.

I was introduced to this Thai officer by a man who himself was a Thai prisoner of war for many years. I was introduced as an American prisoner of war, and that is the contextual setting that we talked. These officers assumed that since Bo Gritz was in the country at the same time this conversation was taking place, that I was somehow involved with the support and the POW rescue operation. At the time that was not a correct assumption.

I initially told this officer that I did not believe that there were any living Americans in Southeast Asia, and he brought in his staff, and the senior intelligence officer gave me a complete briefing on suspected and known locations of United States prisoners of war. The suspected and known locations of POWs, as reported to me, were all in Laos. I learned that the information had been developed through Thai reconnaissance teams. They stated that there was a possibility of obtaining evidence of the certainty of identification such as photographs and fingerprints and similar evidentiary matters. This first meeting in July 1981 where these conversations took place was at Lopburi, Thailand.

After the briefing which I received, I decided that there probably was some truth to the reports that there were living Americans in Southeast Asia. I was asked if I had a channel of communication which would bypass the United States Embassy in Bangkok, the headquarters of the Commander-in-Chief Pacific in Hawii, and the Joint Casualty Resolution Center, back to Washington, D.C. to inform Washington, D.C. that they did have information that they would provide to me so long as they could guaranteed that their sources would not be compromised.

I returned to my home station in Korea at Seoul and went to the military intelligence contact from the Defense Intelligence Agency with whom the Special Forces Detachment, Korea, worked, and drafted a message to DIA headquarters and to the headquarters of the Intelligence and Security Command. I saw this message, and the message read that as long as the sources were not compromised, these officers would provide information on locations and identifications of United States prisoners of war in Laos.

Five days later I was told that the sources would be closely guarded and that no one in U.S. Embassy Bangkok would be told of their identities. This message was sent within DIA channels in approximately August 1981. For approximately the next year and a half I went to Thailand every 60 to 90 days and got information from these sources and others. After being debriefed in August 1981, I operated under the general instructions from DIA to seek additional information about prisoners of war and MIAs.

After that time and until approximately April 1984, I as the Commander, Special Forces Detachment, Korea, returned from Korea to Thailand approximately once every two to three months and established an agent net among Lao, free Vietnamese and within the Thai military, the purpose of which was to establish whether there were in fact live Americans in Southeast Asia who may be held against their will. Efforts were made to come up with definite locations and to conduct combined training of Lao, Vietnamese and Thai with the Special Forces Detachment, Korea. All of this was reported and sanctioned by the representatives of the United States. These representatives were DIA operatives in Korea.

These DIA representatives were receiving their instructions from the Intelligence and Security Command located at Fort Meade, Maryland. On three different occasions I briefed a man whose title was either a lieutenant colonel or GS-15, who was the head of the organization SFD-K was gathering information for.

In 1984 there was a major compromise of one Lao agent who was reported to have been shot by the Vietnamese and compromised my contact with senior Thai officers. I talked to an individual in the United States Embassy in Seoul to try and set up another channel which would allow me to bypass American military intelligence channels because of the constant compromises. I provided all the information that I had by that time to the Chief of the Research Unit, United States Embassy, Seoul, CIA in layman's terms.

From approximately 1981 through 1984, I and others known to me continued to develop intelligence information. Among the intelligence information gathered was information relating to the location and identification of living Americans in Southeast Asia and/or MIAs. This information was developed by talking with agents in the Thai military, the Lao resistance, Pathet Lao, the free Vietnamese, gun smugglers, gold smugglers, drug smugglers, and anyone who could provide information. By the early part of 1982, I and the others were convinced that there were American prisoners of war which were being held against their will. I came to this conclusion by cross checking the reports of approximately 50 different agents, the majority of whom had no knowledge of each other, and corroborated the information by cross matching.

I had personal contacts with agents who confirmed that there were prisoners of war. In April 1984, in conjunction with preparing a briefing paper for a certain U.S. Army major general, I received the code word from a general officer in Thailand that there were three American prisoners of war available to be taken out of Laos in May 1984. When this information was passed to this Army major general and to the 501st Military Intelligence Group, and to the CIA station in Seoul, Korea, all Special Forces Detachment, Korea operations to Thailand or to Southeast Asia were declared unauthorized and terminated.

Prior to this, SFD-K operations had been going on for three and a half years. The conclusion which I reached about the significance of this change in the method of operations is that the production of intelligence on administration prisoners of war was determined by some agency of the U.S. Government to be unacceptable. I was told that it was no longer SFD-K's job to develop or to have any further participation in the POW-MIA issue. I was told that if I wanted to be a lieutenant colonel in the Army, that I should forget about the POW-MIA information which had been reported to intelligence channels for the past 3 years. I was told that in no uncertain terms that I should forget the matter.

This conversation between this general and I took place in Seoul, Korea in the general's office approximately 2 weeks after I gave this general the briefing folder with the subject entitled "Possible American/Allied POWs in Southeast Asia—dated 10 April 1984."

On or about April 14, 1984, the briefing package relating to the question of POWs in Southeast Asia was prepared by myself and personally delivered to this American general in his office in Seoul, Korea. After reading the two cover letters, this general turned white, handed the briefing pack back to me, and said "this is too hot for me to handle, big guy." I told him at that time if you as a major general can't handle this, what am I supposed to do with it?

I was told that if I was smart, what I would do was put the briefing through a shredder and forget the entire issue. I demanded authorization to go to Washington, D.C.——

Senator DECONCINI. Major Smith, I am sorry to interrupt you only because of other witnesses who need to testify. Your full statement will be in the record, and I have some questions regarding it, if you can move along or summarize it. I hate to cut you off.

Major SMITH. OK. If I may just—there is one portion here that may not be——

Senator DECONCINI. Please go ahead.

Major SMITH. It's an add-on, only about five sentences.

Senator DECONCINI. I just want the record to be clear and make you understand, the full statement will be in the record as if you had read it all.

Major SMITH. Yes, sir.

As recently as 5 days ago, I personally viewed evidence which proves beyond any doubt that in excess of 30 Americans and other nationalities are being held as prisoners of war in Southeast Asia. This evidence cannot be described in detail but can generally be described as current and specific evidence which one of my sources in Southeast Asia has allowed me to see. Part of this evidence has also been seen by my attorney, Mr. Waple. Because of our great concern for how this matter is handled, the specific nature of this information has been brought to the attention of the President by corrspondence from my attorney, and this was accomplished yesterday.

[The prepared statement of Major Smith appears on p. 299.]

Senator DECONCINI. Thank you, Major Smith.

Sergeant McIntire.

I hate to expound on the time problem, but if you can summarize it, your full statement will be printed in the record as if you read it, and if you can, give us a summary of it in 5 minutes, please.

STATEMENT OF SFC. MELVIN C. McINTIRE, U.S. ARMY (RET.), ACCOMPANIED BY MARK L. WAPLE, ESQ., COUNSEL

Sergeant MCINTIRE. All right, sir, certainly.

In essence, I am Sergeant First Class McIntire, Retired. My last assignment overseas was with the Special Forces Detachment, Korea, where I was assigned as the detachment medic, with additional duties because of my past training, to gather intelligence on this and other subjects.

I worked on this for approximately 2 years, from approximately February 1982 through February—correction, through August 1984, when I was curtailed and sent back to the United States of America. I worked in a compartment gathering information, and rekindled old ties with people that I had known in Southeast Asia when I was assigned there previously. I set up an agent net of approximately 10 people which I considered to be reliable and who had shown no reason for me to distrust their information. They provided information on sightings on numbers of people, on specific locations at different times.

The most significant of these reports was in the beginning of 1984 when I as informed that it was possible for Americans to be brought out by indigenous personnel from Laos without any American having to cross the board, without any raid or illegal forays. I told them that I would report this information, which I did. When I reported this information to my command, I was then debriefed or talked to by the 501st Military Intelligence Group in Seoul, Korea, and I was told to seek additional information.

I returned to Thailand in late February, March 1984, when I was told that in May 1984 there were going to be three or two Americans brought out from Laos. We were going to be back in Thailand anyway in May for a training mission. I assured them that I would set up with my government, with my contacts that—inform them that this was going to take place and set up for a responsible member of the United States government ourselves to receive them, and for someone to receive them from us, and to assure their safety, and that they were transported back to the United States.

When I returned to Korea and reported that information, I was again brought up to the 501st Military Intelligence. They wanted to know my sources. When I refused to give the names of my sources, they wanted to know why. I said I would have to get permission from my sources to divulge their names, and that is part of the reason that they were cooperating with me, because of past compromises I did not reveal their names.

Once this information was given to the 501st Military Intelligence, the Special Forces Detachment, Korea was precluded from leaving the peninsula of Korea, and subsequently I was curtailed 6 months early and sent back to the United States.

[The prepared statement of Sergeant McIntire appears on p. 306.]

Senator DeConcini. Thank you, Mr. McIntire.

Major Smith, your statement talks about your mission to return from Korea to Thailand approximately every two or three months, and that the purpose was to establish whether there were in fact live Americans, and that you reported to and were sanctioned by the representatives of the United States, etc.

Who specifically sanctioned your activities, and who did you brief on these activities?

Major Smith. I briefed the Defense Intelligence Agency through the 501st Military Intelligence Group and the 524th Military Intelligence Unit. There were professional debriefers that took care of not only this—and that was not our primary mission in Southeast Asia. Our primary——

Senator DeConcini. I said the purpose, one of the purposes.

Major Smith. Yes, one of the purposes.

Quite frankly, this office had been set up in December of 1980 after we were the only organization in Korea that has any prewarning from the Koreans on a thing called the Night of the Generals, which in closed session I could go into more detail on.

Senator DeConcini. And I am going to ask the Chairman that we do that later, or perhaps he has already decided to do it.

You said in your statement that you had a number of agents and contacts with these agents.

How many agents were you in contact with?

Major Smith. I had personal contact with approximately 50 agents. Through Sergeant McIntire, I had contact with additional agents. I did not contact any of Sergeant McIntire's agents myself because of the possibility of cross fertilization of information.

Senator DeConcini. And the 50 agents that you had contacts with confirmed your information from the other agents and other people with the information that they had?

Major Smith. Yes, they did. Of course, many of them were self-serving. When I speak of agents, I speak of people who had proven reliability. There were a lot of people out there selling information or attempting to give information on the prisoners of war.

Senator DeConcini. Were some of these agents paid by you?

Major Smith. Yes.

Senator DeConcini. Can you explain how you cross checked this? Can you provide an example of a report that you verified and how you went about it?

Major Smith. Yes. The cross checking that went on, I being the focal point to brief on this subject with DIA and then later CIA, I would cross check the reports myself from Sergeant McIntire and myself and from anyone else who received information. I went through elaborate means when I visited some of these particular agents in different parts of Thailand to make sure that I was not being followed around by Thai intelligence.

There was a division within the Thai military about whether or not they should again become involved in anything dealing with U.S. prisoners of war and missing in action because of their being burnt and left out to dry by the United States Government on the Bo Gritz scheme.

Senator DECONCINI. On the what?

Major SMITH. The Bo Gritz operation.

Senator DECONCINI. What was that, or is that classified?

Major SMITH. Oh, back in 1981, as I am sure you are aware, and earlier, Bo Gritz became involved in various capers in attempts to rescue prisoners of war.

Senator DECONCINI. And there was sensitivity that this might be similar to the Bo Gritz affair?

Major SMITH. Yes. Well, part of the things that gave us a certain amount of trust and confidence was the fact that I came and had specific instructions from DIA to look into the Bo Gritz operation. When I came back to Seoul, and as I told the Thais, and as the Thais proved to me, there was, if not at the highest levels of the United States Government, involvements in the Bo Gritz caper, there most certainly was involvement by personnel out of the United States Embassy in Bangkok, Thailand.

Senator DECONCINI. You verified that information through your agents and your contacts?

Major SMITH. I did, yes.

Senator DECONCINI. And who did you turn that over to?

Major SMITH. I turned it over to DIA.

Senator DECONCINI. And what did they do with it, do you know?

Major SMITH. That wasn't what they sent me for. They sent me there to prove that Bo Gritz had no ties to the United States.

Senator DECONCINI. Did they tell you that, or how——

Major SMITH. What's that?

Senator DECONCINI. How did you come to this conclusion?

Major SMITH. They just were not happy at all with the fact that I came back and said someone had better get a handle on this thing. This was before this thing blew up in anyone's face, that they had better get a handle on it because it looked like we did have some people from the United States Government involved with Bo Gritz.

Senator DECONCINI. And did you tell them who those people were or what information you had?

Major SMITH. Yes, I did.

Senator DECONCINI. And you disclosed that information to them?

Major SMITH. Yes, I did.

Senator DECONCINI. Can you tell us who you told?

Major SMITH. Who I told, yes. I passed that on to a Mr. Phil McMasters in the 501st Military Intelligence Group, and also to a Mr. Mike Sherwood, Military Intelligence Group, and I won't say the individual's name, but an individual in the Research Unit of the United States Embassy, Seoul.

Senator DECONCINI. And as a result, do you know what happened to that information?

Major SMITH. Great lengths were gone to to assure me that Bo Gritz had no ties to the United States Government.

Senator DECONCINI. Did they give you any evidence to discredit the information that you had?

Major SMITH. No. The information that I had, there was no way that it could be discredited since people from the United States Embassy had brought this issue up with the Thai side of the house.

The Thais could have stopped that operation the day those people got off the airplane, had the United States of America desired that to be done. It wasn't.

Senator DECONCINI. Do you have information that there are people in the government still today who had access to that information?

Major SMITH. Certainly.

Senator DECONCINI. Can you name who those are?

Major SMITH. Yes. I would say the Lieutenant Colonel Paul Mather at JCRC in Bangkok. I had some corrspondence from Commodore Brooks. Of course, the Sherwoods and the McMasters of the world.

Shortly thereafter, I also wrote a letter to the President of the United States, as I had done many times down through the years since my return from captivity, simply because Ronald Reagan was the Governor of California, and I being a California resident had established a personal correspondence with him. When the subject of POWs and MIAs came up, that personal correspondence stopped and my letters began to be answered by the Defense Intelligence Agency.

Senator DECONCINI. Major Smith, I do want to ask you this question.

Why, in your opinion, would there be an effort to not pursue this and to divert you from this? Have you thought that out? Why would our—would these people have any reason not to say go to it, give us all the information you can and we'll decipher it and follow it up?

Major SMITH. Well, initially, at the local level, that was the attitude. People were quite shocked by the information that was initially provided.

I don't really have an answer. That's why I've sued the President of the United States, which I took a hell of a lot of thought about before I did that.

Senator DECONCINI. I'm sure you did.

Major SMITH. And pursued it through—I came up on this Hill, I tried to get someone to intercede to find out what was going on.

I really don't know what the reason is except that as far as information goes, I'm sorry, but you've—we've sat here and listened about the professionalism of these different agencies and how things have changed. People that deal with this issue never change. You walk into that room with that filing cabinet in it, you looking at that filing cabinet, you'll never leave, I'll tell you that right now. The same thing goes for Bangkok, Thailand. Any time you see military officers retire from the military and move into civilian jobs in the government and never leave the office they are working in, that is not the way one gains cross fertilization to get people with new ideas to come in. You've got people defending information that they considered to be bogus 10 years ago, that may be confirmed now. People are defending positions. They're no analyzing intelligence information.

Senator DECONCINI. Major Smith, you said you had recently turned over some information, with counsel from your lawyer, to the President of the United States of a classified nature, in your judgment.

Would you share that with this committee in a closed session?

Major SMITH. I think that has been passed over to the White House. At this time—it's—it was only obtained just a few days ago. Because of the sources and where they are, I had to go to the Middle East to pick this up. I think we could talk about that further, but I am quite sure the White House should make that information available to you if they intend to do anything about it.

Senator DECONCINI. I will upon the Chairman's return suggest that we talk to your counsel and possibly have a closed session where you might share some of that with us so we can pursue the response.

Representative McEwen.

Mr. MCEWEN. Thank you, Senator.

You mentioned about the general to which you gave the folder turned white.

If Senator DeConcini didn't ask that, could you give us the name of the general?

Major SMITH. Yes. His name is Major General K.C. Loure. He was the Chief Operations Officer for the United States Forces, Korea, for the Combined Forces Command, and was our operational boss on the Special Forces side of the house. We did not really deal on the intelligence side of the house because of a memorandum of agreement that he had signed with the 501st Military Intelligence Group and INSCOM giving them operational control of us for certain intelligence-gathering matters, which I understand that the Army and a number of other people have now denied, and fortunately I do have their name on the dotted line on that issue.

Mr. MCEWEN. You then demanded authorization to go to Washington and see another general in the Office of Deputy Chief of Staff of Operations, U.S. Army.

Major SMITH. Yes.

Mr. MCEWEN. Now, who was that officer in Washington?

Major SMITH. That's—his name is Major General William Moore.

Mr. MCEWEN. And were you able to meet with General Moore?

Major SMITH. No, I wasn't. I saw General Moore in Hawaii and informed him that we had come upon critical intelligence information on the subject of POWs and MIAs, and because General Moore had experience, having been in DIA before, General Moore assured me that if I would send what is known as a speak-at message back to Washington, D.C., that he would arrange for us to brief the appropriate people there, and this dealt with that thing in May of 1984.

As it says in my statement, Major General Loure called me in and ordered me never to have any more contact with Major General Moore, and I understand that the——

Mr. MCEWEN. Excuse me. Major General Moore instructed you to not have——

Major SMITH. No, Major General Loure——

Mr. McEwen. Loure, excuse me.

Major Smith. Instructed me not to have any more contact with Major General Moore. You have to understand, Moore also was our former boss who was Loure's predecessor.

Mr. McEwen. Do you have firsthand knowledge of American prisoners in Southeast Asia?

Major Smith. You mean have I seen American prisoners in Southeast Asia?

Mr. McEwen. Do you have firsthand information, yes?

Major Smith. I have the same information that the United States Government has from agents. I have seen pictures. I have seen other evidence that we may go into in the closed session, what I would call conclusive evidence that there are Americans there.

Mr. McEwen. Sergeant McIntire, you said prior to your departure from Korea, and after reporting that two living Americans could be extracted, "I was prevented from further contacts with my sources and my commander was told to destroy written intelligence reports which related to the information we had gathered concerning American POWs."

Can you give us the name of your commander that gave you those instructions?

Sergeant McIntire. No, I was not instructed to destroy anything. My commander had been instructed. My commander was Major Smith at the time.

Mr. McEwen. All right, thank you.

That concludes my questions at this time, Mr. Chairman.

Senator Simpson [presiding]. Congressman Bilirakis.

Mr. Bilirakis. Thank you, Mr. Chairman.

You gentlemen are under oath, correct?

Major Smith. Yes.

Sergeant McIntire. Yes, sir.

Mr. Bilirakis. Sergeant McIntire, are you still in the Army?

Sergeant McIntire. No, I am not. I retired effective the first of October 1985.

Mr. Bilirakis. Was that a forced retirement?

Sergeant McIntire. No, it was not.

Mr. Bilirakis. It was not a mandatory retirement.

How many years did you have?

Sergeant McIntire. I had 22 years at the time.

Mr. Bilirakis. And I believe that's the same number you had in, Major Smith?

Major Smith. I was in my 22d year. I did not yet have 22 years.

Mr. Bilirakis. Yours was mandatory, though?

Major Smith. Yes, sir. I received mandatory retirement orders when I returned to the United States from Korea.

Mr. Bilirakis. Do you know, either of you gentlemen, whether any of the information, the records, the files and whatnot that you furnished the DIA and some of these other agencies and departments are still available in those files?

Major Smith. I don't know. The most recent thing that I've heard, mostly through newsletters from the National League of Families and others, is that DIA claims, or Richard Armitage I have heard quoted as saying that the only thing they have is information on a wedding ring and on a dog tag. If that's true, I think they're in deep, serious trouble because I have some of their answers to those particular reports referencing those reports, and I would say that someone has a big problem if that's all they've got.

Mr. BILIRAKIS. Sergeant McIntire.

Sergeant MCINTIRE. In addition, the briefing overview or the briefing packet that was presented by Major Smith to Genral Loure and subsequently returned by General Loure to Major Smith, and was after that destroyed in Korea, the copies of it were destroyed, because I took the originals and brought them with me to the United States and took them to three different units or agencies of the government to ensure that they did in fact get to the proper people, and finally one of the units did accept those documents. And I saw——

Mr. BILIRAKIS. Who accepted, who accepted those, which unit?

Sergeant MCINTIRE. JSOC, Joint Special Operations Command, and I did see those documents again at the DIA in the Pentagon, so I know that they did receive them. However, they were not in the same configuration that I gave—I gave it to them in a packet form, and there was no question about was this complete or was it not. There was just a stack of loose papers on the desk. But I did recognize some of them still.

Mr. BILIRAKIS. Who did you give them to?

Sergeant MCINTIRE. I gave them to Major General Steiner.

Mr. BILIRAKIS. Steiner? You personally handed them to him. You say this under oath.

Sergeant MCINTIRE. Yes, sir.

Major SMITH. You say that they are there but they are not in the same configuration as you——

Sergeant MCINTIRE. When I handed the packet to Major General Steiner, it was in a Manila envelope, and there was a table of contents and then there was tabs, and in between each tab was an overview or an—intelligence information. That is the configuration I gave it to Major General Steiner. The next time I saw it was in the Pentagon, and I asked had they received, the DIA received that packet, they said they had, and here it is, but it was in a loose form.

Mr. BILIRAKIS. Did you take a look at the packet?

Sergeant MCINTIRE. No, I did not look at all of the information. I just [indicating] recognized a couple of pieces of paper and said OK. Whether or not, as to completeness or what, I have no idea.

Mr. BILIRAKIS. Is this available to you now as a civilian, as a private individual?

Sergeant MCINTIRE. No, it is not.

Mr. BILIRAKIS. It is not available to you.

What other organizations did you—you stated you provided a file to three separate organizations.

What were those organizations?

Sergeant MCINTIRE. One of the organizations, aside from JSOC, which is one of them——

Mr. BILIRAKIS. Yes.

Sergeant MCINTIRE. One of them was Delta, and the other——

Mr. BILIRAKIS. Delta?

Sergeant MCINTIRE. Yes, sir.

Mr. BILIRAKIS. Well, who is Delta? I am expressing my ignorance, I guess.

Sergeant MCINTIRE. Operational Detachment Delta, stationed at Fort Bragg, and there was another organization which the existence of is classified, to my knowledge, but in closed session I'm sure I could divulge that.

Mr. BILIRAKIS. Do you have a copy of any of these records?

Sergeant MCINTIRE. No, I do not.

Mr. BILIRAKIS. You did not keep a copy?

Sergeant MCINTIRE. No, I did not personally.

Mr. BILIRAKIS. Any reason why you didn't at the time?

Sergeant MCINTIRE. Once I found that—I found somebody who would take them that assured me that we will do something with this, and you will be contacted within a week and we'll let you know, I figured OK.

Now, there were other documents that were not of an intelligence nature but were backup documents for us which I kept copies of.

Mr. BILIRAKIS. Major Smith, do you have copies of any of the records or the files that you turned over to any of the organizations or agencies?

Major SMITH. I have the original packet given to General Loure.

Mr. BILIRAKIS. You do have that.

Major SMITH. And what no one ever addressed us about that packet and what is that there were two cover letters on that packet which shows the date and also makes certain allegations about criminal and compromises, and I don't think you'll find that.

The intelligence information itself I think you may be able to find in DIA. I don't know if you'll be able to find the two cover letters. No one seems to want to address what is in those two cover letters. I do have the originals of those as given back to me.

Mr. BILIRAKIS. Would you provide that information to the committee?

Major SMITH. We will consult with him [indicating] about that.

Mr. BILIRAKIS. All right, we will discuss that later.

Sergeant McIntire, your testimony states that you learned of approximately 200 living Americans in Laos who are POWs.

Do you have the names of those individuals which you could provide for the record?

Sergeant MCINTIRE. I do not have the names of that many people. I have——

Mr. BILIRAKIS. Do you have the names of any of them?

Sergeant MCINTIRE. I have been given some names, yes, sir.

Mr. BILIRAKIS. You have been given some names.

Sergeant MCINTIRE. Yes, sir.

Mr. BILIRAKIS. Have you furnished those names to——

Sergeant MCINTIRE. No, I have not.

Mr. BILIRAKIS [continuing]. Anyone up to this point?

Sergeant MCINTIRE. No, I have not, and for several reasons. One, in some instances, the names given were names that had been floated around a lot, and some instances, the sources themselves told me they were told this man's name is this, but they're not sure. They don't know if the guy—if that's really him or if it's a civilian pretending to be him because he thinks he has a better chance if he's in the military. There's too many what-ifs and where-fors about it. What about the family? I don't want to do that until—when the individual is brought out, then we'll know who he is, and until that time, I don't have that moral authority, I don't believe, to make such statements.

Mr. BILIRAKIS. Well, the problem, of course, is—and you know, please don't take this personally, sir, but the problem is believability, is it not, when we have that many, that many unknowns and that many grey areas involved. Nobody wants to relate what their sources are, no names, you know, really, where are we? We're talking about 200 names, and we're no further along than we were——

Major SMITH. I think there is a problem with that, and I'm sorry, but we came to this Hill when we were in the military. Trying to find an ear here was not easy. I know Jerry Denton. Jerry Denton's office informed me that I needed to go through the National League of Families before I could see him. Now, that never happened before, since we are both returned prisoners of war. I sent letters to Jerry Denton from Korea.

As far as providing—we stopped providing information, specific information to the United States Government for one reason, and one reason only. Number one, I wanted them to hold a certain United States military officer responsible for the death of a trusted agent. Number two, I wanted them to hold United States military officers and intelligence operatives responsible for the compromise of a senior Thai officer. When the United States government proved to be unwilling to do that, we still provided information.

But as far as names and other specific information, someone was going to have to prove to us that their intention was to get those people out of there.

Mr. BILIRAKIS. Well, Mr. Chairman, I would submit that I do not want anybody else making the determination for me as to what information I should hear or I should not hear. We are all responsibly elected members of Congress, and I realize that there are sometimes reasons, but, you know, we should be able to make that determination ourselves.

Hopefully in the executive session, I guess that is what you referred to, Senator, we can go into some of these matters in more detail.

I would ask merely one question of the Chair. Has the testimony of these two gentlemen been made available to the representatives of the Secretary of State and DOD and whatnot who will be testifying later on?

It has been?

Senator SIMPSON. Congressman Bilirakis, yes, I am advised that that is the case.

Mr. BILIRAKIS. Thank you, sir.

I have no further questions.

OPENING STATEMENT OF SENATOR SIMPSON

Senator SIMPSON. I have come to substitute briefly for Senator Murkowski, and could have left that easily to Senator DeConcini, and will in one minute.

This is a tough issue, obviously. Live sightings of prisoners of war and those listed as missing in action, that is a lot of anguish, a lot of stuff that goes with that. It is very real. I appreciate the Chairman having a hearing on this in the Senate Veterans Affairs Committee. I appreciate Senator DeConcini and Senator Murkowski going to Vietnam and making such a sincere effort to try to determine more, and I appreciate the House members coming here, and I have worked with them on the Veterans Affairs Committee, each and every one of them, and admire all three of these gentlemen present.

So I want to commend Frank Murkowski and Dennis DeConcini for their trip, and perhaps we can get closer to the reality of this situation as to whether Americans are still being held captive in Southeast Asia.

So here is this opportunity again to present that evidence. It will give those who refute those claims an opportunity to present their side, and there is not a person in the country who is in any way forgetting what happened in Vietnam, but if there are Americans who are being held against their will in Southeast Asia, we want to know about it. Families and friends of those involved and who are missing need to know about it. But we have been grappling around on this thing for years, and Congressman Montgomery, the Chairman of the House Veterans Affairs Committee has gone there many times.

All of us are concerned. None of us want to say that we are not interested in the cause anymore because we do not like to be painted as uncaring people. But that is the way this joint works. If you want to get something killed or passed, you use a very deft blend of guilt, fear, emotion or racism to do it. I have learned that. It only took seven years. And I get to deal with the biggest pile of trash in America in my particular areas. They are all political no-win turkeys.

So somewhere along the line I think that we have to put behind us the trauma of Vietnam. That has to be done. We love to pick scabs in America. We ought to stop somewhere.

And if credible evidence points to the existence of live prisoners, let's hear it. Let's hear book, page and hymn number. Let's hear when, where and who instead of just conjecture or feeling or emotion or posturing—and I am not talking to you. I am talking about others on the issue.

That is what we have to know. If they are there, let's know that. If they exist, let's know that, but for heaven's sake, there has to be a point where people must grieve and move on. That is humane, too.

A game can have only so many innings, and then it has to stop. If it does not, it is no longer a game; it is a travesty. It never was a game. It is a harsh, hard human reality that comes from the way we are as Americans. That is our strength as well.

Enough of that from me, but I wanted to say it. And I thank you for presenting your testimony, and I hope we can get to some things that will allow those who are grieving to complete their grieving.

[The prepared statement of Senator Simpson appears on p. 253.]

Senator DeConcini. Mr. Chairman.

Senator Simpson. Yes.

Senator DeConcini. I want to ask the Chairman or the staff here if they intend to request that to the best of their ability Mr. McIntire and Mr. Smith turn over as much evidence as they would like to or can turn over. I certainly would like to express to them that perhaps if they did not have an ear here before, they will now. I cannot guarantee what the effects will be, but I as one member, feel that it is important that we take what you have presented to us today very seriously and that which is of a sensitive nature be done in an environment that you are satisfied will be kept in that nature. I also think that what Senator Simpson says is absolutely necessary, that we need to bring this to a conclusion of one nature or the other.

And of course, as long as there is evidence as you have presented here and will present to us later that military officers, including major generals, have failed to turn over this information, it is never going to be concluded. We need to know that information so we can make a judgment and ask those generals point blank under oath, whether they received it. And if they did, what they did with the information. Then it is up to us to determine who is giving accurate information in such a situation, and only with your assistance can we do that.

Thank you, Mr. Chairman.

Senator Simpson. Senator DeConcini, I shall leave the response to that to the Chairman.

Senator DeConcini. I did not see Chairman Murkowski come in, but I will not repeat it.

Chairman Murkowski. Thank you, Senator Simpson. I very much appreciate your kindness, also Senator DeConcini.

I would ask that Major Smith and Sergeant McIntire remain for the portion that will be classified that we will be going into.

Our next witness will be Mr. Scott T. Barnes, Kernville, California.

I would ask the witness to rise.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mr. Barnes. I do.

Chairman Murkowski. Would you please be seated?

Mr. Scott T. Barnes, Kernville, California, would you elaborate a little bit more on who you are because I am sorry, I do not have a great deal of information here before me.

STATEMENT OF SCOTT T. BARNES, KERNVILLE, CA, ACCOMPANIED BY MARK L. WAPLE, ESQ., COUNSEL

Mr. Barnes. Yes, sir, Mr. Chairman. My name is Scott Barnes, former United States Army. I'm a college teacher currently at a private institution in California and hold two degrees.

Chairman Murkowski. All right, thank you.

Please proceed with your testimony.

Mr. Barnes. I, Scott T. Barnes, hereby swear and affirm under the penalty of perjury that I have experience in law enforcement and intelligence activities, both domestic and overseas.

In approximately April 1981, while living in Hawaii, I was contacted by Hughes Aircraft on behalf of a gentleman by the name of Bo Gritz. Shortly thereafter I was contacted by Lt. Col. James Gordon Gritz by telephone. I told Colonel Gritz on this occasion that I would introduce him to General Vang Pao, former commanding general of CIA Laotian forces to the United States in Laos. It was obvious to me that Colonel Gritz only assistance that I had was the introduction to General Vang Pao.

Colonel Gritz asked me to take a package which he had delivered to me in Hawaii to take to United States Embassy in Bangkok, Thailand, of June of 1981. I proceeded to Thailand, made contact with officials at the United States Embassy, had numerous meetings with United States Embassy officials, including Lieutenant Colonel Paul Mather.

Prior to that I asked for positive proof that this would be a U.S. Government official mission. He gave me telephone numbers and military officers in the United States Pentagon, Central Intelligence Agency, and Defense Intelligence. I talked to these officials. They confirmed that the "activity" had given a charter for this mission.

Upon arriving at the United States Embassy, I was taken to the third floor of the United States Embassy into a secured area where several U.S. Government officials were present. Four files were removed from classified file cabinets, and we discussed these people and of their concern. I was also told that every effort was to be made to discredit a man by the name of PFC Robert Garwood. Prior to this mission assignment I had never heard or met any of the named of these individuals. I was informed at this meeting the purpose of Gritz's operation was to send in a ground recon team to confirm or deny the existence of POWs inside of Laos. I learned that Gritz's operation was responsible for ground confirmation.

Following this, I traveled back to the United States in late June 1981 and personally met with Colonel Gritz for the first time. He requested a personal meeting and introduction to General Vang Pao. I introduced General Vang Pao to Colonel Gritz in the congressional offices of Robert K. Dornan. I was compensated financially for this. We were to try to talk General Vang Pao into having Laotian guerrillas help us confirm information on POWs.

In Congressman Robert K. Dornan's office a private meeting was later set up between the Congressman and Colonel Gritz which I did not attend.

I, along with other members of this team, traveled to Bangkok carrying large quantities of military equipment from both Hughes and Litton Industries, radio equipment, camera equipment, recording devices, high powered binoculars, and cryptographic equipment. No one was in uniform, none of us were in uniform. We were quickly escorted through Thai customs, directly to the hotels that we had stayed in.

We were then met by a representative of the United States Embassy who came escorted by two armed United States Marine guards. We were instructed by the Embassy official, whose name is known to me, to two of us immediately depart to the northeast quadrant of Thailand to U Dorn Air Base, which two of us did. We traveled to NKP, Thailand. Eventually we made contact with agents identified to us as agents of General Vang Pao and indigenous guerrillas.

Myself and another individual who is known to me crossed into Laos with indigenous forces. After approximately a two day travel, we did in fact locate a POW camp and did in fact see live American POWs. We photographed and recorded these POWs, confirmed the confirmation, returned to the United States.

Upon returning, a Green Beret struck me in the face and ordered me sent to the United States Embassy for debriefing. I returned to the United States and subsequently picked up by U.S. Government and advised that I violated the Neutrality Act, and if I continued to talk I could be incarcerated and prosecuted.

Once a confirmation was made and we had returned, U.S. Embassy officials would use U.S. government telecommunications into Washington, D.C. itself. The helicopter pilot and other support personnel were suddenly transferred, and aircraft was in fact grounded.

Mr. Waple has subjected me to polygraph exams by former CIA and military officer Dr. Chris Gugas, which I have passed. In addition, I gave been subject to sodium amothal, commonly referred to as truth serum, on these same allegations and have passed that. In addition, I have been subject to psychiatric review by Dr. Frederick Hacker of the Vienna Institute of Austria and have passed all examinations.

That's the end of my statement.

[The prepared statement of Mr. Barnes appears on p. 313.]

Chairman MURKOWSKI. Thank you very much, Mr. Barnes.

You indicated that you had received a package from Colonel Bo Gritz while you were in Hawaii, and the package supposedly contained, I believe, intelligence documents pertaining to living American prisoners of war in Laos in addition to sketches, biographical sketches on Gritz and a letter from General Aaron addressed to Lieutenant Colonel Gritz.

Might you have a copy of the letter or the letter itself from General Aaron to Colonel Gritz?

Mr. BARNES. Yes, sir, I do.

Chairman MURKOWSKI. Would you be willing to provide that for the record?

Mr. BARNES. Yes, sir, I will.

[The letter referred to was not available at time of publication.]

Chairman MURKOWSKI. Do you know whether that is the original letter or whether it is a copy?

Mr. BARNES. The copy I have is a copy.

Chairman MURKOWSKI. Thank you.

Do you still have intelligence documents pertaining to living American prisoners of war currently?

Mr. BARNES. What documents the U.S. Government did not remove from me upon returning, I do have bits and pieces, yes.

Chairman MURKOWSKI. And have these been presented to the government previous to this?

Mr. BARNES. For the last 4½ years I've been trying to present this to the U.S. Government, and have been turned down on every avenue both by Defense Intelligence, Central Intelligence, and by a letter to the White House in which I finally got a response from Fred Fielding.

Chairman MURKOWSKI. In what manner did you attempt to make this material available? I believe you said you contacted them, you wrote letters, and there was no response or now follow-up or did they indicate any response or any explanation for evidently not having any interest in the material that you submitted?

Mr. BARNES. The agents at Defense Intelligence in late 1981 had informed me that the mission was highly classified and it would behoove me not to discuss it outside official channels. I had ascertained in regards to the information the photos that were returned to the CIA in the United States, and I was quickly informed that I could face neutrality prosecution.

Chairman MURKOWSKI. So the material that you are going to submit for the record is the letter that I referred to from General, I believe the pronunciation is Aaron, to Colonel Gritz, and you have no other material at this time?

Mr. BARNES. I have a letter which came from a re-education camp, and I do not read Lao, so I do not know what it says except other than my name in English and another gentleman. I can give you a dog tag. I can give you what is left of the only photos that I had.

Chairman MURKOWSKI. Do you have any objection to turning over to the committee the material that is in your possession currently?

Mr. BARNES. No objection whatsoever.

Chairman MURKOWSKI. Would you agree to do so, and we will make it a part of the record?

Mr. BARNES. Yes, sir, I will.

Chairman MURKOWSKI. And I would assume that that would constitute all the material that you have at this time.

Mr. BARNES. Yes, sir. In addition, I also have passports and visas. In addition, in one passport you will find out where Thai intelligence had in fact cancelled one of our exit visas to show that we were not in the country. In addition, I understand that Dr. Gugas will make available all polygraph exams, in addition to Dr. Hacker and I believe his name is Crumian, in regards to the truth serum tests.

[No material was submitted to the committee.]

Chairman MURKOWSKI. You've indicated you requested—that you were requested by Lieutenant Colonel Gritz to travel to Thailand to make preliminary arrangements to conduct the operation which had as its purpose the identification and extraction of living American prisoners of war in Southeast Asia, particularly Laos.

At that time in 1981, did you believe that Americans were in fact held captive in Southeast Asia, and if so, what led you to the conclusion?

Mr. BARNES. Yes, sir, Mr. Chairman. While in the offices of the United States Embassy officials, we had discussed files. They said they had absolute confirmation of live POWs in a geographical location classified in Laos. In addition, their biggest concern was this Private First Class Garwood and people believing him that others were left behind.

The Colonel informed me that we could not do anything about Bobby, we knew about him in 1977, but, quote unquote, we sure as hell can do something now.

They informed me that they know of live POWs in Laos, but in fact, they needed a ground confirmation of this location.

Chairman MURKOWSKI. Could you tell us how you ascertained that they would know if they needed ground confirmation?

Mr. BARNES. Yes, sir, they said via previous Thai intelligence, recon information, alleged spy satellite type information and bits and pieces from the refugee centers had indicated American POWs in this area, but they need an American on-site inspection.

Chairman MURKOWSKI. You indicated that you spoke to two Defense Intelligence Agency officials in Washington in order that you could ascertain whether Lieutenant Colonel Gritz's mission was in fact sanctioned by our Government. I think you further stated that the Defense Intelligence Agency official confirmed that Colonel Gritz's mission was in fact sanctioned by the United States government.

Will you name for the committee the two individuals with whom you allegedly spoke regarding this matter?

Mr. BARNES. Yes, sir. I had spoken to Col. John Kennedy, United States——

Chairman MURKOWSKI. I am sorry, Colonel?

Mr. BARNES. John Kennedy. I had spoken to Col. Robbie Robinson, Pat Hert, Mike Burns, in addition, personnel at the Central Intelligence Agency that I cannot name openly.

Chairman MURKOWSKI. So the only portion that would be classified as far as your intention would be the CIA contact.

Mr. BARNES. Yes, sir, Mr. Chairman.

Chairman MURKOWSKI. You stated further that the legitimacy of Colonel Gritz's authorization was also confirmed by two other active duty full colonels.

Are they included in the list of names you just gave us?

Mr. BARNES. Yes, sir.

Chairman MURKOWSKI. Do you know how much money Colonel Gritz offered to take part in the operation, offered you?

Mr. BARNES. It was a considerable amount, sir, and——

Chairman MURKOWSKI. Do you have any objection to responding as to how much?

Mr. BARNES. I received several thousand in excess of fifteen, in addition to——

Chairman MURKOWSKI. In excess of $15,000?

Mr. BARNES. Yes. In addition——

Chairman MURKOWSKI. Can you tell us specifically how much you received?

Mr. BARNES. Counting both missions, a total of maybe $24,000 in U.S. currency.

Chairman MURKOWSKI. Were these in large bills, U.S. currency itself or was it in travelers checques or some other form of——

Mr. BARNES. The first initial was in relatively new $100 bills. The rest were in small envelopes of fifties and hundreds.

Chairman MURKOWSKI. And these were two occasions?

Mr. BARNES. Yes, sir.

Chairman MURKOWSKI. And do you recall how much on each occasion? Was it approximately half?

Mr. BARNES. The first occasion, all four members received $7,500 in cash. In addition, we set up communications with Bank of America in Bangkok, Thailand in the event of additional funding was needed, it could not be procured in the country.

Chairman MURKOWSKI. And what was your understanding specifically to be the purpose of the money that was given you?

Mr. BARNES. The money was purposely to go for the funding of us, that we were not to pay any informants or agents whatsoever, and that it would go to finance plane trips, boat trips, medical supplies that were urgently needed for General Vang Pao's people.

Chairman MURKOWSKI. Do you recall the dates that you received these monies, approximately?

Mr. BARNES. The first part came to me in Hawaii in the early part of June 1981 with a courier. An additional sum came to me through Bank of America, Bangkok, in June 1981. Upon my return, approximately June 25, 1981, I received additional quantities of cash, and in addition, in August when we met in Congressman Dornan's office, we each received additional funds, $2,000 to $3,000. And then prior to leaving, or the day before we left at the safe house, we all received large quantities.

Chairman MURKOWSKI. Could you tell the committee how you happened to know General Vang Pao?

Mr. BARNES. General Vang Pao, our church was helping the Hmong refugee program in California.

Chairman MURKOWSKI. I am sorry, I didn't hear that.

Mr. BARNES. Our church weas helping the Hmong refugee program in California.

Chairman MURKOWSKI. What church was that?

Mr. BARNES. Hope Chapel, Hermosa Beach, California, and I had gone to Lieutenant Colonel Vang Yee and Lieutenant Colonel Vang Bee, and through there, I had gotten to know General Vang Pao quite well.

Chairman MURKOWSKI. And how did the first meeting occur? I mean, it was through a church function?

Mr. BARNES. Through bringing clothes to the refugees and discussing how we might better help them in the community to relocate and settle in to the melting pot, and I went down to the Lao Community Center in Orange County, California, and they had introduced me to Vang Pao. Then later on we had a luncheon in which Dr. Jane Hamilton Merritt was also present but was excluded from the luncheon.

Chairman MURKOWSKI. Did you assist Vang Pao in any operations in Laos?

Mr. BARNES. Just in the arranging the Bo Gritz affair.

Chairman MURKOWSKI. You stated that you delivered a package to the Commander of the Joint Casualty Resolution Center in Bangkok.

Did the package go to Colonel Mather?

Mr. BARNES. It went to Lt. Col. Paul Mather.

Chairman MURKOWSKI. And what were the contents of the package?

Mr. BARNES. The letter from General Aaron, a code book on codes which I do not know how to decipher, a grid coordinates map on the location, some biographical information on Special Forces operations and other coded information that I have no idea what it meant.

Chairman MURKOWSKI. Do you still have copies of the contents of that package?

Mr. BARNES. Just the General Aaron letter. Everything else is in the hands——

Chairman MURKOWSKI. I'm sorry, just the General——

Mr. BARNES. Aaron letter.

Chairman MURKOWSKI. Which is what you have given us today.

Mr. BARNES. Correct.

Chairman MURKOWSKI. You stated that you met with government officials in Bangkok.

Do you have the names of those officials?

Mr. BARNES. Yes, sir, I do: Jim Tully.

Chairman MURKOWSKI. And do you know what his capacity was?

Mr. BARNES. He said he was, I believe, a GS-14 or 15 working on the Laotian project.

Robert Moberg, Special Forces Pilot; if I pronounce the last name correctly, a William Wharton, United States Marine Corps.

Chairman MURKOWSKI. Have you had any contact with these gentlemen since——

Mr. BARNES. Not since the affair, no.

Chairman MURKOWSKI. We are going to probably have to go two rounds on this, and I do not—in deference to my colleagues, I am going to ask Senator D eConcini for his questions, and then I intend to come back, because I do have some more.

Senator DeConcini, would you please proceed?

Senator DECONCINI. Mr. Chairman, thank you.

I think the line of questioning you are pursuing is most important. I am interested in those answers also.

Mr. Barnes, you were recruited by Hughes Aircraft—were you employed by Hughes Aircraft?

Mr. BARNES. No, sir, I was working for real estate at that time.

Senator DECONCINI. You worked for Merrill Lynch later.

Mr. BARNES. Yes, sir.

Senator DECONCINI. And Hughes Aircraft came and—I didn't quite understand what the contact is there?

Mr. BARNES. Okay. I had traveled over to Hawaii to assist on another situation. I was contacted on the Island of Maui by employees of Hughes Aircraft, El Segundo, California. They had arranged a conference with Colonel Gritz from the ADP section of Hughes, and he said that Hughes was his cover at that time.

Senator DECONCINI. Why did they choose you? Did you ask them?

Mr. BARNES. Yes, because me knowing General Vang Pao and at the time, General Vang Pao's CIA agent handler, Daniel C. Arnold, was not getting along very well with the General.

Senator DECONCINI. So you were a natural from their point of view. You could see that.

Mr. BARNES. Yes.

Senator DeConcini. As a result of this evidence and information and publicity, is it true you received threats on your safety and security?

Mr. Barnes. Yes, sir, that is true.

Senator DeConcini. And do you know who has threatened you?

Mr. Barnes. Three of them gave identification; the other people did not.

Senator DeConcini. Can you disclose what identification that was?

Mr. Barnes. Yes, sir. One identified himself as a Colonel Johnson, one identified himself as Navy Lt. Comdr. Frank C. Brown. One identified himself as Major Peterson. The two others were one Secret Service agent and one FBI counterintelligece agent.

Senator DeConcini. Do you know those names?

Mr. Barnes. Yes, sir, I do. Agent Capps and the Secret Service Special Agent David Greggs, and Frederick Capps, Jr., FBI Counterintelligence.

Senator DeConcini. What was the nature of those threats, Mr. Barnes?

Mr. Barnes. That if I continued to talk about this and attempt to bring it to the attention of appropriate and public authorities, that I could face violation of the Neutrality Act and be prosecuted. In addition, they could bring up allegations of a presidential assassination against the President of the United States.

Senator DeConcini. You mean an allegation that you were involved in such a plot?

Mr. Barnes. That not only was I involved, that the Bo Gritz team was involved.

Senator DeConcini. And what was your response to those gentlemen when they presented such?

Mr. Barnes. I asked that I speak to my counsel. They debriefed me for approximately three hours and came to the house once before and have not had any contact with them since.

Senator DeConcini. Did you turn that information over to anybody besides your counsel?

Mr. Barnes. Yes, sir. At the time I filed an FOIA request and got some of the documents and turned those over to the attorney that was representing me at the time, and since there was no further contact——

Senator DeConcini. Have you received any other threats, anonymous or otherwise?

Mr. Barnes. Just not to appear here this day.

Senator DeConcini. And what was the nature of that threat?

Mr. Barnes. I would be sorry the day that I was born if I come up on the Hill.

Senator DeConcini. And who made that threat to you?

Mr. Barnes. The gentleman identified himself as Colonel Johnson.

Senator DeConcini. Colonel Johnson.

And when was that made?

Mr. Barnes. Approximately a week ago.

Senator DeConcini. Mr. Chairman, I hope we can call some of those witnesses before this committee in due time.

Mr. Barnes, in your testimony you talk about identifying white, older, skinny men.

What did you hear said by the two individuals you so identified through using the electronic listening device?

Mr. **Barnes**. The State Department official that was with me, or CIA official, turned and said, oh, my God, they are ours. We did leave them behind. We cried briefly, and the determination was made that they are in fact Americans. He said they're speaking American English.

Senator **DeConcini**. You could hear them speaking American English?

Mr. **Barnes**. He could, yes, on these electonic——

Senator **DeConcini**. He could.

Mr. **Barnes**. Yes.

Senator **DeConcini**. Yes. Did you listen to any of it?

Mr. **Barnes**. I tried, but I was not able to tune in, just bits and pieces of garble.

Senator **DeConcini**. Did you take pictures of those men?

Mr. **Barnes**. Yes, sir, we did.

Senator **DeConcini**. And those were developed?

Mr. **Barnes**. Half of them went back to Vienna, Virginia; the other half were taken to the United States Embassy, Bangkok, and I——

Senator **DeConcini**. And you did not keep any copies of those?

Mr. **Barnes**. No, not of those photos.

Senator **DeConcini**. Did you ever see them when they were developed?

Mr. **Barnes**. No. I've been informed that they were destroyed during developing.

Senator **DeConcini**. Who informed you of that?

Mr. **Barnes**. Daniel C. Arnold apparently has made it known that they did not come out, and Mr. Waple, through a contact, advised me that the photos did not come out.

Senator **DeConcini**. Going back to the recent threat you had from Colonel Johnson, can you tell me—was it Johnson?

Mr. **Barnes**. He identified himself as Colonel Johnson.

Senator **DeConcini**. Yes.

When did that happen, specifically?

Mr. **Barnes**. Approximately a week ago when I was getting in touch with Mr. Bonnet.

Senator **DeConcini**. And was that by phone call?

Mr. **Barnes**. Yes, that was by phone call.

Senator **DeConcini**. Could you recognize his voice as being Colonel Johnson? Had you ever talked to Colonel Johnson before?

Mr. **Barnes**. Not knowing who Colonel Johnson is, sir, I——

Senator **DeConcini**. You don't know a Colonel Johnson.

Mr. **Barnes**. No. I did recognize Lieutenant Commander Brown's voice, though.

Senator **DeConcini**. That was on the previous threats.

Mr. **Barnes**. Yes.

Senator **DeConcini**. Did you just tell me that you did know or did not know—I am sorry, I didn't pay attention—who the roll of films was sent to in Virginia?

Mr. BARNES. Yes, sir, 1705 Fox Run Court, Vienna, Virginia, former CIA Station Chief of Laos Daniel C. Arnold.

Senator DECONCINI. Arnold was the person that it was supposed to be sent to.

Mr. BARNES. Yes, sir, in addition, I had a letter written in Laotian delivered to him. He responded to me in writing, thanks for the letter, Scott. I'll forward it on to D, and some generals. In addition——

Senator DECONCINI. Did he acknowledge receipt then of the film in that letter?

Mr. BARNES. No, just the letter.

Senator DECONCINI. Just the letter.

Mr. BARNES. The Laotian letter, yes, sir.

Senator DECONCINI. But the Laotian letter went with the film?

Mr. BARNES. No, it did not. The Laotian letter I hand carried to the United States.

Senator DECONCINI. I see. So you don't know if Arnold received the film; you were only told that he did.

Mr. BARNES. Correct.

Senator DECONCINI. Do you know why Bo Gritz was fired?

Mr. BARNES. When the telecommunication came over and the cryptographer deciphered it, he says Colonel Gritz has been fired from the mission; he can no longer be trusted. Another colonel from the Agency was not taking command, and we were not to forward any information on through the agent handler, and——

Senator DECONCINI. Did you know Colonel Gritz before the mission?

Mr. BARNES. I had never heard of him, had never known of him until the Hughes contact in early 1981.

Senator DECONCINI. What was your impression of the man when you worked with him?

Mr. BARNES. A man of immense power of stature, and dedicated to freeing fellow Americans.

Senator DECONCINI. Did you know of any other Americans involved in the mission prior to your recruitment?

Mr. BARNES. No, sir, I did not.

Senator DECONCINI. Thank you.

Chairman MURKOWSKI. Thank you very much, Senator DeConcini.

Representative McEwen.

Mr. MCEWEN. Thank you, Mr. Chairman. I have no questions at this time.

Chairman MURKOWSKI. Representative Bilirakis?

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Do you know who turned over—who turned over the $24,000 on those two occasions to you? Was it Colonel Gritz in every case?

Mr. BARNES. Yes, sir, it was.

Mr. BILIRAKIS. And some of that money was turned over to you in Congressman Dornan's office? I believe you testified to that effect.

Mr. BARNES. Yes, sir, it was.

Mr. BILIRAKIS. And he was present?

Mr. BARNES. Bob wasn't there. If I could explain how that situation came about, they had wanted a meeting in the congressional offices with Vang Pao in hopes of convincing him the Agency was not behind this. Stan Mulen, the congressional aide, was present, along with some Lieutenant Colonels, General Vang Pao, myself, and others. Apprently what had transpired is later on we received United States red passports in which to claim diplomatic immunity if incarcerated. In addition, Colonel Gritz had given us identification that stated all of us were staff assistants for the POW—MIA Task Force, and Bob had called me and said that he wanted to know how that ended up that way. I said they had come from Colonel Gritz, and that unfortunately you were used as a cover, and I apologize.

So I think approximately a week later, on a Sunday, Congressman Dornan and Colonel Gritz met. He had requested that General David Jones and Bobby Inman from the CIA meet. I understand that Bob met. Then Bob said that he was going to meet with the President on Air Force One December 27th, 1981.

I was picked up by our government agents Christmas eve, 1981, and the correlation is that the meeting in Congressman Dornan's office was supposed to be denied at the highest levels.

Senator DECONCINI. Excuse me. Was supposed to what?

Mr. BARNES. Was supposed to be denied at the highest levels.

Senator DECONCINI. Who told you that, the Agency?

Mr. BARNES. Colonel Gritz.

Senator DECONCINI. Colonel Gritz. Thank you.

And excuse me, Congressman.

Mr. BILIRAKIS. That's all right.

The verification that you asked Colonel Gritz for and he gave you several names and phone numbers in DOD, DIA, CIA, according to your testimony, you called those people and you confirmed this to be official. In other words, somebody on the telephone identified themselves and told you it was an official but off-the-record mission.

Mr. BARNES. That it was an official mission but it had to be "unofficial" because of the activities involvement, that Congress did not know about the existence of the activity, and this was going to be secretly done.

Mr. BILIRAKIS. All right, but have you since that time, or has your attorney—and maybe this is something you cannot talk about because of the litigation—have you confirmed that those were legitimate numbers and that those were legitimate people you talked to?

Mr. BARNES. Yes, sir. General Eugene Tighe called me a few months ago, and I told him the names and the locations and the numbers, and he told me that yes, those men did in fact work underneath me and they never, ever forwarded information on up the chain of command, and that it was—they were factual numbers, they were factual men, and the physical location——

Mr. BILIRAKIS. Did those people acknowledge that telephone call?

Mr. BARNES. Yes, sir, they did.

Mr. BILIRAKIS. They have acknowledged that telephone call?

Mr. BARNES. Yes, sir, they have.

Mr. BILIRAKIS. Is there truly a Colonel Johnson?

Mr. BARNES. I have been told yes there is by Mr. Bonnet, there is a Colonel Johnson working for Defense Intelligence.

Mr. Bilirakis. But do we know that that particular individual, that live body, is really attributable to these telephone calls that you received?

Mr. Barnes. No, sir, I do not know that. In addition, I had received a telephone call from General Shoulfelt from DIA requesting that I come to Washington, D.C. to meet with him quietly, have a cup of coffee and discuss the mission. Last month I came here to meet with him. At the last minute he had called off the meeting, said he could not meet.

Mr. Bilirakis. Yes, that's in your testimony.

But Mr. Chairman, might I ask, are we going to also ask this gentleman and his attorney to be part of the executive session, the closed meeting?

Apparently there is some secret information.

Chairman Murkowski. I think it would be appropriate. This opens up a whole new dimension, obviously, for the committee, and I think that we should discuss just how we want to set an agenda to accommodate that portion. It is obviously classified, and I would suggest, Representative Bilirakis, that it would appear that we would have to have extended hearings and perhaps a hearing just to hear those witnesses that had classified material. So that would be my offhand response to your question.

Mr. Bilirakis. And you are willing to do this?

Mr. Barnes. Yes, sir. I might also add that the former military officer and CIA gentleman who did my polygraphs has gone on the record to state that he has been indirectly threatened in regards to releasing the fact that I have passed approximately seven to eight polygraph exams on this nature.

Senator DeConcini. Would the Congressman yield for just a short interruption?

Mr. Bilirakis. Certainly.

Senator DeConcini. Is it true that there has been a cassette tape made, a videotape made of some of these tests?

Mr. Barnes. Yes, sir. There is a complete test of the truth serum, a complete test made of the original polygraph exams, or the second polygraph exams. The original polygraph exams were turned over to the CIA, I am told, last year.

Senator DeConcini. You have no objections of that being part of the record.

Mr. Barnes. None whatsoever.

Senator DeConcini. I understand that BBC has it, and I have been supplied a copy.

Mr. Chairman, I will offer that at the appropriate time, and maybe we would want to see it or at least have it as evidence.

Thank you. Thank you for yielding.

Mr. Bilirakis. I have nothing further, sir.

I understand that the record will be receptive to any additional questions addressed to any witnesses.

Is that correct, sir?

Chairman Murkowski. That is correct.

I wonder, Mr. Barnes, if you could elaborate a little bit further about your communication and conversation with Colonel Johnson. I gather it was from a phone call the.

Mr. BARNES. Yes, sir. My home telephone. I have a complaint on record with my phone company, and they can verify that apparently there had been problems with people intercepting telephonic communications at both my business and my home.

The phone call, I did have a typed letter from Commander Brown who gave me a 202 area code number and which I discussed with him, but Colonel Johnson called on the phone, Major Peterson called on the phone.

Chairman MURKOWSKI. OK.

Now, Colonel Johnson phoned during the day not so long ago, is that right?

Mr. BARNES. Not too long after I talked to Mr. Bonnet.

Chairman MURKOWSKI. Do you know approximately what day it was that you got the telephone call from Colonel Johnson?

Mr. BARNES. Approximately, maybe a week to nine days.

Chairman MURKOWSKI. A week to nine days, when—but you had made a decision to appear before this hearing at that time?

I am just curious to know how Colonel Johnson knew that you were appearing at the hearing nine days ago.

Mr. BARNES. Many things that apparently are happening in this whole issue, unbeknownst to me, a lot of people in this east coast area are knowing about, and I do not know how they know.

Chairman MURKOWSKI. And you—when he phoned, he just said this is Colonel Johnson, or you asked who it was?

Mr. BARNES. Yes. He was very polite at the onslaught, had discussed the problems of this issue but reiterated that it would be in my best interests and the interests of national security that I not come to the Hill. I had had brief conversation and said I told Steve Solarz several years ago that I would try to come to the Hill with the evidence, and that was not wise. I said——

Chairman MURKOWSKI. I am interested in knowing if you have any suggestions as to how we could identify if indeed there is a Colonel Johnson somewhere in our military capability.

Are you aware of that personally?

Mr. BARNES. By going through personnel and what Mr. Bonnet has informed me.

Chairman MURKOWSKI. But he didn't indicate where he worked or what office he was in?

Senator DECONCINI. Mr. Chairman, would you yield just for a point of information?

Chairman MURKOWSKI. I will.

Senator DECONCINI. I think there is testimony that there is a Colonel Johnson in——

Mr. BARNES. The Defense Intelligence.

Senator DECONCINI. In the Defense Intelligence. Of course, we don't know whether that is the same one or not.

Chairman MURKOWSKI. Yes, that is what I was approaching.

I wonder if you knew whether or not he—what his position was?

Mr. BARNES. No, I do not, sir.

Chairman MURKOWSKI. And you didn't ask him, so it is purely conjecture as to whether these two are the same?

Do you have an opinion as to whether this is the same Colonel Johnson that Senator DeConcini spoke of?

Mr. BARNES. I believe it's the same because Colonel Johnson also called and left a message in Virginia for me here a few weeks back, basically not to show up and meet with General Shoulfelt.

Chairman MURKOWSKI. And you concluded that it was definitely a threat.

Mr. BARNES. Oh, absolutely.

Chairman MURKOWSKI. Did you indicate to him that you felt you were being threatened by him?

Mr. BARNES. We had a few chosen words on the phone.

Chairman MURKOWSKI. And did he acknowledge that he was threatening you or dismiss it?

Mr. BARNES. No, I just interpreted it as a threat that I would regret the day I was born.

Chairman MURKOWSKI. And what do you anticipate is his motivation for threatening you in some manner or form, just generalizing? What—here's one person that very recently, as a consequence of your willingness to testify, has made threats, what would be—how would you conject that his motivation? Obviously he has something to hide that you have.

Mr. BARNES. The testimony, I can only assume, on the Gritz mission, and what agents in DIA did not take it to General Tighe.

Chairman MURKOWSKI. And you do not know—well obviously there are a couple of other questions that I intend to pursue here. I have highlighted, and I do not want to—I know that we marked them in red.

In your written testimony before the committee, you list the four individuals whom you claim to have been POWs. The names of those individuals were Captain Shelton, Major Lundy, Private First Class Garwood and Commander Dodge. You further state that you had never heard of any of these individuals before, and my question is can the committee assume that you had never heard of Robert Garwood, though in 1979 his return from Southeast Asia received a good deal of press, and did you not know at that time that Mr. Garwood was charged with collaborating against the Government?

Mr. BARNES. When Colonel Mather pulled out these four files and we discussed each of them, I did not know any one and had never heard of any of these names.

Chairman MURKOWSKI. Okay.

So you had not heard of the Garwood situation or case.

Mr. BARNES. No, sir, I had not.

Chairman MURKOWSKI. Thank you.

In your written testimony you state that someone said it would be in your best interests of the United States that no live POWs come back.

Mr. BARNES. That is correct, sir.

Chairman MURKOWSKI. Do you recall who made this comment?

Mr. BARNES. Yes, sir. It was Lt. Col. Paul Mather, JCRC.

Chairman MURKOWSKI. Do you have any—would you care to elaborate any further as to what motivation he may have had to make a statement like that?

Mr. BARNES. Personally, at first I thought it was a testing question to see what my response would be. Other than that, I, you know, conferred with Colonel Gritz that this gentleman had said this. He said not to worry, that things were well in hand, and it was probably a miscomment.

Chairman Murkowski. Since your meeting in which the four names were provided, other than Robert Garwood, have you been able to ascertain whether the names of the other three individuals are those of Americans still listed as missing in action in Southeast Asia?

Mr. Barnes. Yes, sir. The top name, sir, was one in which we had to——

Chairman Murkowski. That was Shelton?

Mr. Barnes. Yes, sir. We, prior to going down there, had to contact his son in hopes of stopping him from seeking information upon his father.

The other one, Albro, Major Lundy, and Garwood, was just basic information. Commander Dodge I was told had become a martyr, was a known live POW, and that his remains would be coming home forthwith, and I understand approximately four to five weeks later his remains did in fact come home.

Chairman Murkowski. You indicated that you were instructed, excuse me, by Colonel Mather, to travel to a Khmer Rouge camp in order to deliver a package or another package.

Do you recall what the contents of that package may have been?

Mr. Barnes. I was never privy to know what was inside the package.

Chairman Murkowski. I'm sorry.

Mr. Barnes. I was not privy to now what was inside the package.

Chairman Murkowski. But you did deliver the package.

Mr. Barnes. I delivered it to Khmer Rouge.

Chairman Murkowski. Was it a small package, heavy, light? Did it appear to be something small enough to contain currency or documents or——

Mr. Barnes. It was shoe box, standard shoe box in size, maybe at the most two pounds, and both JustMAG and Task Force 80 on the Kampuchean-Thai border assisted us in crossing.

Chairman Murkowski. Who did you give the package to?

Mr. Barnes. I gave it to a Khmer Rouge translator in a Khmer Rouge camp.

Chairman Murkowski. After your return from the camp to Bangkok, and I gather you went to the Joint Casualty Resolution Center, were you debriefed there, and if so, by whom?

Mr. Barnes. Well, we had some discussions on the third floor with some Agency personnel, and in addition, I was instructed to go to the Vietnamese Embassy directly up the street from the American Embassy and as a civilian attempt to make a proposal on the possibility of some remains on POWs.

Chairman Murkowski. I wonder if you could, in view of your testimony that—I should advise you that unofficially we have had word that the space shuttle has blown up, and things do not look very good. I have nothing final on that but have just been advised that shortly after launching, there was an explosion. So if anybody wants to be excused, we will certainly understand.

I wonder, Mr. Barnes, if you could just for us generalize on what you think the motivation for scrubbing the mission might have been. You proceeded, and you know, you have made—you are satisfied that you have seen living Americans in Laos in one capacity or another, and then this mission was planned, and then it was withdrawn, and I wonder if you have any general explanation of what went wrong or why, why did those, whoever was responsible, see fit to pull back or cancel or scrub or——

Mr. BARNES. It would strictly be my opinion.

Chairman MURKOWSKI. Yes, well, I would appreciate that.

Mr. BARNES. OK, I can only hypothesize and opinionize that our President at that time had said all Americans are back, the secret war in Laos possibly—and I do not know this for a fact—possibly had engaged in some illicit activities, and that is why things in Laos are and were as they seemed.

Chairman MURKOWSKI. And this date, when it was officially scrubbed, your recollection, was about when?

Mr. BARNES. Just after Halloween, October 1981.

Chairman MURKOWSKI. I hate to pursue this, but it would seem even though we had assurances that everybody had been set free and then you came up or you had information relative to the fact that they weren't all free, I just wonder what would be the motivation of any official to make a judgment or a value judgment not to proceed with the follow-up?

Mr. BARNES. Maybe it could prove to be extremely embarrassing for the United States that we said they are all back, they were left there, and all of a sudden they come back X amount of years later. To me that would be very embarrassing to our country. It would cause low morale in the military services, knowing that we left some behind. An all-volunteer force, that's not going to make them real impressed.

Chairman MURKOWSKI. Well, I know, but the humanitarian responsibility of responsible officials you would assume would outweigh that. But I assume that then your generalizaton of the rationale is that perhaps somebody would be embarrassed.

Mr. BARNES. Yes, sir, it is.

Chairman MURKOWSKI. So they would scrub the mission rather than admit that there were Americans living there.

And who would you suggest would be responsible ultimately from the standpoint of where your participation was for this kind of a decision to be made, scrubbing the mission? You know, you obviously were a cog in a large wheel, and as you looked up through the structured stratus of your reporting officials, where would you pin the responsibility of scrubbing your mission?

Mr. BARNES. Both on Colonel Mike Eiland and Daniel C. Arnold and Lieutenant Colonel Paul Mather.

Chairman MURKOWSKI. Thank you.

I would ask Senator DeConcini to proceed.

Senator DECONCINI. Thank you, Mr. Chairman.

Let me ask just a couple of quick questions.

No. 1, Mr. Barnes, are you now under any threat as to your physical safety? Do you feel you are in any jeopardy?

Mr. BARNES. I won't know until I get home.

Senator DECONCINI. OK. Are you under any protection?

Mr. BARNES. No; I am authorized to be armed if need be, so I——

Senator DECONCINI. Do you feel the need of protection to get home or to leave this facility? Do you feel you will be safe?

Mr. BARNES. I really don't know, to be honest.

Senator DECONCINI. Would you like any assistance from this body, whatever we can give, for your safe transport?

Mr. BARNES. I don't see any harm in it.

Senator DECONCINI. Mr. Chairman, I would request that we ask the Capitol Police to assist Mr. Barnes to wherever his destination is.

Chairman MURKOWSKI. I would so order, and I certainly agree with your assessment, Senator DeConcini.

We would request the staff to initiate a request of the Capitol Police to accompany Mr. Barnes, and I would suggest strongly if you feel you need further security assistance, you request it of our committee, and we will initiate appropriate action.

But I want to be very explicit, if you do feel you need it, please make sure that the request is forthcoming, because we would hate to feel that we had miscommunication on something as significant as your personal safety.

Mr. BARNES. Yes, sir, I understand.

Senator DECONCINI. So before you leave the room, if the Chairman would yield, it should be very clear, I wish you would contact the Chairman or the staff here, and we will——

Chairman MURKOWSKI. And indicate what, if it is just home or beyond.

Senator DECONCINI. Wherever you would like.

Chairman MURKOWSKI. Beyond accompanying you back to your home.

Mr. BARNES. Accompanied home would be satisfactory since I do have personal——

Chairman MURKOWSKI. Now, you are going back to California, is that right?

Mr. BARNES. Yes, sir, I plan to.

Chairman MURKOWSKI. So you would want somebody to accompany you on the airplane?

Mr. BARNES. Not necessarily on the aircraft.

Chairman MURKOWSKI. To the aircraft.

Mr. BARNES. To the aircraft would be sufficient.

Chairman MURKOWSKI. Thank you, and if you need security in California, why, obviously there is a capability there.

Mr. BILIRAKIS. Mr. Chairman, I wonder if the gentleman would yield.

Senator DECONCINI. I yield.

Mr. BILIRAKIS. The attorney who is also representing Major Smith and Sergeant McIntire, he is not a witness, but I just wonder if he has felt any pressure to not represent these people.

Chairman MURKOWSKI. You may direct that to the gentleman.

Mr. BILIRAKIS. If I may direct that to him, may I hear his response?

Mr. WAPLE. No, sir, I can't say that I have had any pressure of any kind.

Mr. BILIRAKIS. Not from the bar or any other sources?

Mr. WAPLE. Not of any sort, no, sir.

Senator DECONCINI. Quickly, Mr. Barnes, are you still employed with Merrill Lynch?

Mr. **Barnes**. No, I am a college teacher and I own a private investigative agency.

Senator **DeConcini**. Is that what your sole source of income is now?

Mr. **Barnes**. Yes, sir.

Senator **DeConcini**. One last question.

Ms. Griffiths testified, and I will read the testimony.

> I had known firsthand the President's interest and commitment, but his current working knowledge of what his administration is doing to resolve the POW/MIA issue renders absurd any allegation that a conspiracy and coverup exists under this President's administration.

Would you refute that in your judgment?

Mr. **Barnes**. Yes, sir. I had sent numerous correspondences to the White House, to Mr. Childress, got one phone call from Mr. Childress in 1982. The correspondence I got from the White House was we will forward the POW investigation to U.S. Attorney Stephen Trout. His office informed me that if I continued the issue, that it could very well lead to the prosecution.

Senator **DeConcini**. This Mr. Trout, who in Mr. Trout's office?

Mr. **Barnes**. A gentleman by the name of Mark Richards.

Senator **DeConcini**. Mark Richards made that statement to you? When was that, do you recall?

Mr. **Barnes**. He made that statement to me 9/20/85 at approximately 2:15 p.m.

Senator **DeConcini**. Have any charges ever been brought against you?

Mr. **Barnes**. No, none that I know of. I have been told by the United States attorney that I could face prosecution for violation of neutrality and that this presidential threat could creep up.

Senator **DeConcini**. What is the nature of the presidential threat? Do you have any idea what they are talking about?

Mr. **Barnes**. Just from what the Bureau has informed me, they have received anonymous information that Colonel Gritz's team were planning to assassinate the President of the United States. All team members were——

Senator **DeConcini**. Who told you that?

Mr. **Barnes**. Federal Agent Capps and a Federal Secret Service Agent.

Senator **DeConcini**. And they told you you were involved in that?

Mr. **Barnes**. That I was involved.

Senator **DeConcini**. But it was anonymous information.

Mr. **Barnes**. They said they got anonymous information, yes, sir.

Senator **DeConcini**. Thank you, Mr. Chairman.

Chairman **Murkowski**. Thank you, Senator DeConcini.

In view of the hour and the complexion of the hearing, I think it would expedite the process if we recognize that when we convene again on Thursday, since we still have other witnesses, and not knowing whether there may be a portion of the testimony that would be classified, it would be the Chair's intent, subject to any input from my colleagues, to proceed again. I am not concluding the hearing yet, but proceed again Thursday with the continuation of those witnesses as they appear on the witness list, and then at the conclusion of the witnesses, since we don't know whether we may have some more that would require going into a classified session, we would then at the end initiate a classified session for those portions that necessitated that.

It would necessitate scheduling a hearing into the following week to accommodate the administration witnesses.

Now, recognizing that there are witnesses who have traveled at great length, I am prepared now to excuse Mr. Barnes unless Representative Bilirakis—do you have any questions?

Mr. BILIRAKIS. No, thank you.

Chairman MURKOWSKI. And accommodate anyone who cannot be with us on Thursday. So that would be my request of the witnesses that are remaining, and there is quite a list, obviously.

So how many would like to continue on and testify in th remaining time that we have ahead of us that cannot be accommodated on Thursday?

I see one gentleman, and a woman. All right, there are two.

OK, would you, ma'am, please come up. We will take your testimony, and we will take the gentleman's testimony, and that will conclude our session for today.

Is that agreeable, gentlemen?

Senator DECONCINI. Yes.

Chairman MURKOWSKI. Would you please introduce yourself and proceed?

STATEMENT OF RUTH BRELLENTHIN, MIA SPOUSE FROM DUNEDIN, FL

Mrs. BRELLENTHIN. Yes. I am Ruth Brellenthin. I am the wife of Corp. Michael Brellenthin, United States Marine Corps, missing February 25, 1968.

Mr. Chairman and members of the subcommittee, I want to thank you for the opportunity to testify here today. My involvement in the prisoner of war/missing in action issue began on February 25, 1968 when I received official notification that my husband was missing in action during the seige at Khe Sanh, South Vietnam. During the next three months I received several telegrams from the Marine Corps which indicated the possibility of his being captured. The last telegram, dated April 5, 1968, stated that search operations were discontinued and all results were negative.

The next communication I received was August 15, 1968 when he was reclassified as Killed in Action-Body Recovered. I was concerned at that time because all of my questions pertaining to how they came to that conclusion were evaded, such as the medical records. They said they did not have any medical records, they were burned in St. Louis in the United States, and they were destroyed in Khe Sanh, Vietnam.

I should add that they were not even able to determine the number of bodies recovered. Their claim was that nine men were returned in four caskets. While I was skeptical of all the information they gave me, I never spoke out publicly as I did not want to appear as a wife who was unable to accept her husband's death.

I kept my feelings to myself until Operation Homecoming in 1973. One of the first men released in 1973 was that of a dead Marine who turned up as an unknown prisoner of war. This dead

Marine was Sgt. Ronald Ridgeway, and he was one of the Marines who was killed and buried with my husband in St. Louis, Missouri. Imagine how I felt. I found myself waiting as each returnee's name was read off, waiting to hear my husband's name. Not one Government official contacted me to tell me whether he was on a list or not on a list.

After the last name from the last group was announced, I contacted the Marine Corps. I needed to speak to Sergeant Ridgeway concerning my husband's fate. I was given various reasons why I could not reach him, reasons such as he was being debriefed and the Privacy Act. No one even informed me that Sergeant Ridgeway had held a press conference in California on April 9, 1973. The Marine Corps never told me if Sergeant Ridgeway had any information on my husband or whether he hadn't any information.

It took me until September 1978 to finally locate him. When I spoke with him on the phone, he said, Mrs. Brellenthin, I cannot tell you whether your husband is dead, nor can I tell you that he is living. Also in 1978, I received a letter dated August 15, 10 years to the day later, by direction of the Commandant of the Marine Corps, that stated now there was only a reasonable probability that my husband was among the unidentified remains.

In 1981, through the Freedom of Information Act I received my husband's case file. It was at this time I found one discrepancy after another. In another document dated July 29, 1968, Dover Air Force Base made an inquiry to the U.S. Mortuary Service in Da Nang regarding whether or not remains at Dover represented the total unidentified remains from this patrol. The actual number of men who were missing from this incident is a discrepancy. The numbers range from 17 men to 27 men.

From all I have read in these documents, the government did not only not know how many remains they had, let alone who they belonged to.

A written correspondence between the Commanding General, Third Marine Division to the Secretary of the Navy, dated September 7, 1968 stated that all identification attempts were compete, with negative results concerning my husband on August 15, 1968, the same day they told me he was reclassified as Killed in Action-Body Recovered.

While researching the 15 volumes of uncorrelated information relating to the Americans missing in Southeast Asia, I found a live sighting report which I believe may relate to my husband's case. The source of this report stated that in late February 1968 he observed 20 to 30 American prisoners being escorted by the North Vietnamese troops on a jungle trail into Laos. The source observed several of these prisoners were wearing Marine Corps type fatigue caps. The source was unable to provide any identification regarding the individual prisoners, but said that he was told by the guards' commanding officer that they were United States Marines captured near the Khe Sanh outpost.

I have been unable to find a reference anywhere listing any other Marines missing during that time frame. According to the interrogator, this source was considered knowledgeable and had several reliable reports in the past.

Last July the Marine Corps had admitted to me that they errored in reclassifying my husband as Killed in Action-Body Recovered. Yet to this date they have not changed his status.

I feel that even with the little bit of information I have provided here, a question arises concerning the fate of my husband and his actual status. This is not all the information I have, nor is this a unique case.

Mr. Chairman, my husband's name continues to be kept off the Missing in Action list. Because of this, U.S. Government agencies charged with resolving this tragic issue will not provide a case file asking the Vietnamese for help in resolving this case. It was not until this month, with the assistance of my Congressman, Michael Bilirakis, that the Vietnamese have received any information on my husband.

Again, I wish to thank you and the subcommittee for allowing me to testify. I believe that my case, along with the others, will convince you that there is something tragically wrong with this incident, and I believe that it will take your direct involvement to right these wrongs.

This concludes my statement except to say that it was very difficult to put 13 years of research into five minutes' time.

And at this time I would be happy to answer any questions that you may have.

[The prepared statement of Mrs. Brellenthin appears on p. 317.]

Chairman MURKOWSKI. Thank you very much, Mrs. Brellenthin.

I want to thank you for your testimony, and I have some questions, but before I direct them to you, I would like to call on a senior member of the committee, Senator Stafford from Vermont, who has been very active in veterans' affairs for a long, long time.

Senator, we are happy that you could join us.

Senator STAFFORD. Thank you very much, Mr. Chairman. I have no opening statement. I did get here in time to hear you, Mrs. Brellenthin.

I have no questions at this time.

Chairman MURKOWSKI. Thank you very much, Senator.

I am wondering if you had any certification from a forensic specialist concerning the identification of the remains that were allegedly those of your husband.

I was a little confused in your testimony.

Mrs. BRELLENTHIN. OK, sir. I had questioned Colonel Weber about that from JCRC. I had asked him now at this date if they were able to take pieces of remains and identify them, where in 1968 they had been unable to do that, and he said yes, that's true.

I was told that I would need the permission of the remaining eight families, minus one because Ridgeway came back, Sergeant Ridgeway came back in 1973, to exhume the caskets in St. Louis, Missouri. It took me years to find the names of those families. I have never received any help in researching this case from any Government agency. I have had to do it on my own.

I finally contacted one of the families and they said no, they will not give me that permission because he was listed from the very beginning, he was never listed MIA. He was listed from the very beginning Killed in Act-Body Not Recovered. So they know, they feel that whatever is in St. Louis does belong to their loved one.

Chairman MURKOWSKI. Well, do I understand your testimony that the remains were identified by the Joint Casualty Resolution Center and sent to St. Louis?

Mrs. BRELLENTHIN. No, no.

Chairman MURKOWSKI. All right. Would you clarify it?

Mrs. BRELLENTHIN. No; JCRC wasn't even in existence during that time, as far as I know.

Chairman MURKOWSKI. All right.

The remains—there were remains that were identified——

Mrs. BRELLENTHIN. They said they found parts of remains. None were identified.

Chairman MURKOWSKI. None were identified as your husband's remains.

Mrs. BRELLENTHIN. No, no.

Chairman MURKOWSKI. All right. So——

Mrs. BRELLENTHIN. In fact, all identification attempts were complete with negative results on my husband.

Chairman MURKOWSKI. And that would include identification cards, dog tags——

Mrs. BRELLENTHIN. Nothing.

Chairman MURKOWSKI. So that nothing has been found that you could give any acknowledgement to.

Mrs. BRELLENTHIN. No witness, nothing.

Chairman MURKOWSKI. Did Sergeant Ridgeway tell you that he knew your husband?

Mrs. BRELLENTHIN. No, he did not. In fact, what I have had to weed out during the time was there were two squads that were sent out on that patrol. My husband was a machine gunner. There was a machine gunner attached to each squad. One of the other nine—one of the other eight remaining men was a machine gunner who was attached to Ronald Ridgeway's squad, and during this incident they had been separated, the two squads were separated, and I found out that my husband was in the rear squad only by him telling me that Baptiste, Michael Baptiste, who was one of the ones that were supposedly buried in St. Louis, was a machine gunner attached to the squad that he was with. So they were separated during that incident.

Chairman MURKOWSKI. So you have not ever conversed with Ridgeway?

Mrs. BRELLENTHIN. Excuse me?

Chairman MURKOWSKI. So you have never, not ever conversed with Ridgeway?

Mrs. BRELLENTHIN. Yes, I have. In 1981 I spoke to him on the phone, and he said, Mrs. Brellenthin, I cannot tell you that your husband is dead, nor can I tell you that he is alive. I did not know him.

Chairman MURKOWSKI. All right.

If you could suggest any one thing that would expedite a resolve of your husband's whereabouts that this committee might focus in on specifically.

Mrs. BRELLENTHIN. Sir, my husband's remains may be in Hawaii, but because he is not on an official list, they don't have his case to apply those remains to. These 15 volumes, these are all reports, information on live sighting reports, but because they don't have men on the list to correlate them to, these are just put off as uncorrelated information. These could apply to men in cases, in the same unique case or ununique case that my husband is in.

How many more hundreds of men are in the same situation as my husband?

Chairman MURKOWSKI. Well, that is something that I think is very well pointed out, and obviously the Chair cannot respond with any accuracy, but I think you have posed a question that would be quite appropriate to address to the administration in view of the approximate 58,000 casualties in the Vietnamese conflict. We are basically addressing some 2,400 to 2,500 unaccounted for, but the question of your question's particular——

Mrs. BRELLENTHIN. That number could be many more.

Chairman MURKOWSKI. Your husband's particular position of not being included in the MIAs is indeed one that I think necessitates a response, and I assure you that this committee will address that specific issue in our questioning and will attempt to follow through at the Joint Casualty Resolution Center in Hawaii and make a determination of whether or not they can shed any light on the matter, and I assure you we will be back to you, and in the meantime, don't hesitate to contact either myself or our chief counsel and chief of staff, Mr. Principi, because I think you have brought up a very vivid example of a situation where indeed you can have reasonable doubt because whereabouts have never been ascertained by the appropriate government agency, and that is indeed unfortunate.

I thank you very much for your testimony.

Excuse me. I'm sorry. I apologize. Your Representative from Florida who has been so helpful to you——

Mrs. BRELLENTHIN. Thank God.

Chairman MURKOWSKI. Please proceed, Mr. Bilirakis.

Mr. BILIRAKIS. No, thank you, Mr. Chairman. Your statement to Ruth is very meaningful, I know, to her and to many of the other families, and certainly to me, and Ruth, if the Chairman tells you we are going to follow up on this point, we certainly will.

I would like to emphasize, though, two points that you made.

You said while researching the 15 volumes of uncorrelated information, what is that there [indicating]?

Mrs. BRELLENTHIN. This is one of the volumes.

Mr. BILIRAKIS. That is 1 of the 15 volumes?

Mrs. BRELLENTHIN. Right.

Mr. BILIRAKIS. And that is issued by whom?

Mrs. BRELLENTHIN. The Defense Department.

Mr. BILIRAKIS. DOD?

Mrs. BRELLENTHIN. No, Department of Defense.

Mr. BILIRAKIS. Not DIA?

Mrs. BRELLENTHIN. No, Department of Defense.

Mr. BILIRAKIS. It is not DIA?

Mrs. BRELLENTHIN. No.

Mr. BILIRAKIS. It is not the Defense Intelligence Agency.

Mrs. BRELLENTHIN. No.

Mr. BILIRAKIS. So you were able to get to 15 volumes of information?

Mrs. **Brellenthin**. I tried real hard to go through all of them, and I don't have the knowledge, you know, or the intelligence. It's just that this just came right out, stuck right out.

Mr. **Bilirakis**. All right, now, were those 15 volumes all volumes issued by the Department of Defense?

Mrs. **Brellenthin**. Yes.

Mr. **Bilirakis**. Did you make any effort to take a look at the files at DIA?

Mrs. **Brellenthin**. There was also film—there were films that you have access to, also, which I haven't been able to see yet.

Mr. **Bilirakis**. Those films are located in which file, which agency's file?

Mrs. **Brellenthin**. I would have to contact at that time was Lt. Col. John Furr. I think he was in the Defense Department.

Mr. **Bilirakis**. Well, Ruth, this uncorrelated 15 volumes that was issued by the DOD is—you say it is uncorrelated, meaning what, that it hasn't been correlated with other departments or agencies?

Mrs. **Brellenthin**. They have no one to correlate this report to.

Mr. **Bilirakis**. You are satisfied that some of that information may not appear in the other files?

Mrs. **Brellenthin**. In the correlated information you mean?

Mr. **Bilirakis**. No, some of the information that is in those 15 volumes at DOD, are you satisfied that some of it may or may not appear in the DIA files, in the CIA files, in the JCRC files?

Mrs. **Brellenthin**. I don't know. All I know is that this information here could pertain to men that are in the same situation as my husband.

Mr. **Bilirakis**. Yes.

All right, now, you told me you and George, your brother, you told me previously and in your testimony, you say that last July the Marine Corps admitted they erred in reclassifying Michael as KIA—Body Recovered; yet to date they have not changed his status. Earlier you testified that they had communicated with you four or five times indicating to you there's a possibility he was a POW.

Mrs. **Brellenthin**. Yes.

Mr. **Bilirakis**. Is that right?

Mrs. **Brellenthin**. Mm-hmm. From July up until about 2 months ago they were trying to get my husband's reclassification. They had said——

Mr. **Bilirakis**. Now, wait a while. Let's back up, though.

Let's go back to the chronology.

Mrs. **Brellenthin**. July?

Mr. **Bilirakis**. No, let's go back to when you were first notified, February—when you were first notified that he was an MIA.

During that period of time, for the following few months in 1968 they kept sending you what, telegrams or letters indicating to you they thought it a possibility he was a POW?

Mrs. **Brellenthin**. Right, and that I shouldn't speak to anyone concerning the situation because of that.

Mr. **Bilirakis**. Did they give you any reasons why they felt that he was a POW?

Mrs. **Brellenthin**. No. No. It may be standard procedure when the men are missing. I don't know.

Mr. **Bilirakis**. OK. And then downstream somewhere, I guess, what, at August 15, he was—you received indication he was reclassified as KIA-Body Recovered, right?

Mrs. **Brellenthin**. Right.

Mr. **Bilirakis**. And that's the same indication as Sergeant Ridgeway's family apparently received somewhere along the line.

Mrs. **Brellenthin**. Right.

Mr. **Bilirakis**. And he was all of a sudden—your understanding is that all of a sudden he just popped up at the airport as alive?

Mrs. **Brellenthin**. Right. I have an article of the newspaper where they had questioned a Washington Marine spokesman, and they asked if the body was going to be exhumed in St. Louis, the body who was supposedly Sergeant Ridgeway, and the Marines spokesman said there is no body.

Mr. **Bilirakis**. All right, then, in 1978, you gave us—you attached as part of your testimony, and I gather it will be part of the record a copy of a letter dated August 15 from the Marine Corps stating that there was a reasonable probability that your husband is among the unidentifiable remains.

Mrs. **Brellenthin**. Right, if that was a reasonable probability, how could they have classified him as Killed in Action—Body Recovered?

They didn't make out his death certificate until a year and a half after he became missing, and a doctor signed it, referring to this casualty report that had listed him as Killed in Action—Body Recovered. That is what they used to make up his death certificate, in 1969.

Mr. **Bilirakis**. OK, Ruth.

All right, now, let's go to July of this year.

How is it that you were notified by the Marine Corps that they may have erred in reclassifying your husband?

Mrs. **Brellenthin**. Once a year the National League of Families holds a convention. During that time I had found out that in Washington, in the Marine Corps Archives, there are command chronology reports, and we, myself and a reporter from Georgia, had spent the whole day going through those command chronology reports, and through the years I've had people that have retired from the military that have told me that if my husband was captured, he would have been taken into North Vietnam, not into Laos, because this report states that the North Vietnamese were taking them from the Khe Sanh area into Laos, and in the command chronologies I saw that they had had contact with Laotian forces, and when I got that information, I came back to Washington and called a meeting with the Marine Corps Casualty Office, and a representative from the DIA, and we sat down, and I told them—gave them all this information, and the Marine Corps—it was Major Cameron—he had said to the representative from DIA, can't we just tell you to put his name on the list, and the DIA fellow, I can't remember his name—I can get it for you—turned around and said, well, no, it has to go through the Marine Corps.

Well, the Marine Corps went through the Defense Department, and I think it is Carroll—what's Carroll's last name?

Ms. **Griffiths**. Bates.

Mrs. **BRELLENTHIN**. That Carroll Bates had investigated this, and I got a letter from the Defense Department which stated that they used Ronald Ridgeway's debriefing to prove that my husband was in fact dead, that he was the only survivor.

Mr. **BILIRAKIS**. Well, it is your impression—this is what you said to me--that the Marine Corps would like to see him reclassified——

Mrs. **BRELLENTHIN**. Yes.

Mr. **BILIRAKIS**. Because they feel that the evidence supports it——

Mrs. **BRELLENTHIN**. Yes.

Mr. **BILIRAKIS**. But it is the DIA——

Mrs. **BRELLENTHIN**. They have said that to me.

Mr. **BILIRAKIS**. It is DIA that is bucking that, that is——

Mrs. **BRELLENTHIN**. No, they said the Defense Department.

Mr. **BILIRAKIS**. The Defense Department.

And your point, and it was a point well made by the Chairman, is that unless he is reclassified into a different category, there is no way they are going to be able to match the remains.

Mrs. **BRELLENTHIN**. Right.

Mr. **BILIRAKIS**. Thank you, Ruth.

Chairman **MURKOWSKI**. I just have one followup question.

In letters from your husband, did he indicate friends that he served with or was associated with in his assignment so that—his commanding officer or anyone that you could have attempted to make contact with that might have given you some idea of whether he was killed in action or—certainly he must have had some friends.

Mrs. **BRELLENTHIN**. Sir, there were no eye witness reports to his death. Most of the men who had gone out on that patrol were killed.

Chairman **MURKOWSKI**. I see.

Mrs. **BRELLENTHIN**. There were survivors, but I cannot get the names of any of those——

Chairman **MURKOWSKI**. And he didn't indicate who his commanding officers were.

Mrs. **BRELLENTHIN**. Yes, I have written a letter to—he is now—it was Captan Pipes, and he is now, last I heard he was a Lieutenant Colonel based in California.

Chairman **MURKOWSKI**. He was the commanding officer, and he didn't do any——

Mrs. **BRELLENTHIN**. He was the captain.

Chairman **MURKOWSKI**. Did you get a response to the letter?

Mrs. **BRELLENTHIN**. No.

Chairman **MURKOWSKI**. And any of his buddies that he was—that were part of that patrol——

Mrs. **BRELLENTHIN**. There was—no. He wasn't a part of that patrol but he was stationed in Khe Sanh at the time, but he was wounded at a later date, and I contacted him through the Red Cross, but he wasn't able to give me any information either.

Mr. **BILIRAKIS**. Will the gentleman yield?

Ruth, do you feel that when Sergeant Ridgeway and some of these other people, when they fail to give you information, do you feel it is because they honestly don't know, or in Sergeant Ridgeway's case, he honestly did not know your husband, or do you have a feeling that they possibly maybe are being intimidated in any way?

What is your feeling? You haven't really passed that information on to me.

Mrs. BRELLENTHIN. I really can't say, Congressman, because Ridgeway had told me that he was a Christian, and because we had talked about what he has done with his life, and I didn't want to cause any heartache. I know that a lot of them are going through the post-traumatic stress, and that was a reason why I really didn't push him too much. But he had said to me, ma'am, I honestly can't tell you whether your husband's dead, nor can I tell you that he's living because I didn't know him.

Mr. BILIRAKIS. I didn't know him.

Thank you, sir.

Chairman MURKOWSKI. Thank you very much.

We do appreciate your testimony, and we will proceed with questions to the administration with regard to the classification, and we will be in touch with you.

I want to call our last witness, Mr. Robert A. Cressman, Chairman of the Board, National Forget-Me-Not Association for POW-MIAs.

He will be the last witness that we will hear today.

I would also like to acknowledge the presence of Congressman Gilman from New York, and I believe you want to testify, and you have agreed to come back on Thursday.

Mr. GILMAN. Yes.

Chairman MURKOWSKI. We appreciate very much you accommodating our schedule.

At this time I want to swear in the witness.

I will ask that you raise your hand and that the testimony that you will give here will be—you will be sworn to tell the truth, the whole truth, and nothing but the truth.

Mr. CRESSMAN. I do.

Chairman MURKOWSKI. I thank you.

You may be seated, and you may proceed with your testimony.

STATEMENT OF ROBERT A. CRESSMAN, BOARD CHAIRMAN, NATIONAL FORGET-ME-NOT ASSOCIATION FOR POW-MIA'S, INC.

Mr. CRESSMAN. Thank you, Mr. Chairman, and members of the committee. For the sake of brevity, because I know everybody is getting tired of sitting around, I would like to submit my entire speech for the record. However, I will try and be——

Chairman MURKOWSKI. It will be submitted into the record as if read.

Mr. CRESSMAN. I will just glance over it and try and synopsize.

Our association was incorporated in mid-1981. One of the purposes of the organization, along with public awareness and trying to raise the issue of the prisoner of war/mission in action problem, is also in trying to collect information which would either prove or disprove that there are Americans in a captive situation in Southeast Asia, mainly Vietnam and Laos.

Chairman MURKOWSKI. I wonder if you would pull the microphone a little closer, please, Mr. Cressman.

Mr. CRESSMAN. Yes, sir.

The case that I'm about to discuss involves the photograph of an American alleged to be held in captivity in early 1985, March, to be exact. We were notified by some resistance people that we have worked with in the past that they had obtained information regarding an individual who I will refer to as Sgt. John Smith. I will be happy to provide the information on his true identity in executive session if you so wish.

Chairman MURKOWSKI. So you would be another witness who would be part of our classified hearing.

Mr. CRESSMAN. In the information that I submitted with my prepared statement, his name is included, so you should have that with it.

Chairman MURKOWSKI. We have that.

Mr. CRESSMAN. Which will save that problem.

At that time—and again, this is going back to March 1985—I obtained through the resistance one photograph and one Xerox copy of a second photograph, along with some identifying information on this individual. The photograph included a Caucasion male and a Lao male. Just prior to departing Thailand, the resistance brought the Lao that was pictured in that photograph to the airport to meet with me. He re-emphasized the circumstances surrounding the photo session, it was done, how it had come about, and he was also brought to show the timeliness of the photograph, that it wasn't something that was 10, 15 years old.

On April 5, which was 3 days after we had left Thailand, I made contact with the alleged wife of Sergeant Smith. She lives in northern Florida. I briefed her on the information we had come across, a period that took about an hour. I then showed her the photographs without making any reference other than we believed that there was a possibility it could be her husband. She studied those photographs for a few minutes and then indicated to me that she did believe that it was her husband that was photographed with this Lao.

At that time I told her that from our point of view there were two options that were available, the first one being that we would take all the information that we currently had that was given to us from the resistance, including the photographs, and turn it over to DIA. The second would be to continue to work through the resistance, which we had been doing, and trying to effect his release. And that basically centered around the defection of several of the cadre and their families that were supposedly holding this man.

The wife stated that she was very apprehensive because of U.S. actions regarding this issue that she was aware of, and she opted for the second possibility, which was working with us.

At that time I obtained a known photograph of her husband and several items of handwriting that we could use for comparison. I left Mrs. Smith, and then later that day notified the resistance that they were to go ahead with the predetermined operational plan.

For the next few months Mrs. Smith and I remained in very close contact. On April 12 she had informed me that the Joint Casualty Resolutions Center had called her the evening before, which would have been April 11, and 6 days after I had talked to her in person, and informed her that they had come into the same information and the photograph from another source. It took the U.S. government approximately 30 days before they made physical contact with Mrs. Smith and showed her what Mrs. Smith said were Xerox copies of all the photographs. I have also since, in discussing with her these photographs, found out that they were very, very poor quality.

The entire operation, due to several factors, being monsoon, enemy troop movements and so on and so forth, took considerably longer than we originally anticipated. However, the resistance was finally able to get back to the camp where the individual was, along with several other unnamed alleged Americans, and they found that these people were no longer at that camp, that they had been moved several kilometers away to a much more secured area. The reason for the move is not known to me right now.

We told them to continue to keep an eye on things and monitor the situation and see what they could come up with and let us know if they felt that an extraction through the resistance—this is not an American illegal foray like has been thrown around here earlier today—but to keep us posted.

Now, since that time not much happened until November 9 of this year. At that time, with the help of Colonel Bailey from Operation Rescue and another individual who I can't identify any further, who has got about 20 some years of intelligence work in that area of the world, we were able to come across an alleged set of latent fingerprints which are fingerprints believed to be somebody. I had in my possession a set of known fingerprints of Sergeant Smith, and at that time, through some old police contacts I had, we attempted to have a comparison made for identification. I must say I was a little disappointed because the comparison proved to be negative.

However, a few days later during a conversation I brought up the point that there was a possibility that should these fingerprints be valid of a prisoner, and it was alleged to be Sergeant Smith, that there was also the possibility that the resistance may have in fact gotten name and person confused and had fingerprints from another alleged American prisoner.

The next day when I had talked to the individual who was holding the latents and the known fingerprints, which happened to be my brother, who is a deputy sheriff—and I would like to add that he lives alone—he checked, and realizing the importance of the fingerprints and his background with about 11 years of police work, they had disappeared.

Now, while I make no accusations, it brought back a case back in early 1982 which involved Colonel Hopper, sitting behind me here, where he had some fingerprints that were turned over to DIA that he felt might belong to an American. The Defense Intelligence Agency had checked them, and according to a note that came back to Colonel Hopper, found that the fingerprints were totally useless.

When I was shown those fingerprints, I realized that they were classifiable, and if a known set of fingerprints were obtained later, they could very well be identified or proven not to be the individual.

I had those fingerprints checked by an expert, and he advised me that they were indeed classifiable and could indeed later be used for identification purposes.

Chairman Murkowski. I wonder if you could summarize the balance of your testimony.

Mr. Cressman Yes, sir. I turned the originals over to Colonel Hopper. I kept a copy myself, and several months later Colonel Hopper called and asked if he could get another copy because he could no longer locate the copy he had in Arizona, and when I went to check where I kept mine, those were gone also.

I find it very interesting that fingerprints keep disappearing all around the country.

The reason that we did not go to the Defense Intelligence Agency or any other Government agency I think has been brought out from just what I have heard in here today, where there are at least serious questions as to the effectiveness and the attitude of people within the Defense Intelligence Agency. We have several times provided DIA with information that we had come across, whether it was the first time they got it or second or third, but it was provided, and we stopped doing that back in late 1984 when problems arose which seriously threatened to hamper the refugee reporting issue.

I brought that to DIA's attention through two letters to Mr. Bob deStat over there, and received no answer, was just totally ignored. I have since sent letters to several other congressional committees that are charged with responsibility, and it has also been ignored. And that is why we opted not to proceed along that line.

Quite frankly, I feel that the only resolve for this issue will be for the United States Congress to take this issue from the control of the people who currently have it and put it into the control of an independent commission, whether it be congressional or presidential, that is headed by H. Ross Perot and staffed by other experts in the field that can work specifically and individually on just this one problem.

That will conclude my statement, and I would be happy to answer any questions.

[The prepared statement of Mr. Cressman appears on p. 327.]

Chairman Murkowski. Thank you, Mr. Cressman.

I would call on Representative Bilirakis.

Mr. Bilirakis. Mr. Cressman, are you among that group that feels that there is a coverup in the Federal Government?

Mr. Cressman. Mr. Bilirakis, it's my feelings that there is obviously varying degrees of incompetency within the agencies handling this issue, and I also firmly believe that when incompetency is condoned, it becomes a coverup.

Mr. Bilirakis. So you are basically——

Mr. Cressman. Yes, sir, I do.

Mr. Bilirakis. You are basically saying that you feel that it is lack of efficiency and incompetency.

Mr. Cressman. Yes, sir.

Mr. Bilirakis. Is this commission that you support basically a clearinghouse type of a group that would be responsible for making sure that all of the information that the various groups have should be correlated and coordinated with and possibly put together, or are you talking about a completely separate group that would be parallel, if you will, to the League of Families.

Mr. CRESSMAN. My response would only be my personal opinion, obviously. I don't want to tell Mr. Perot or whoever else who would be in charge how to set it up, but I think that the clearinghouse idea would probably be a good one. I think you would also find that there are a lot of people out, and obviously the crowd here today shows it, that have information that are not comfortable coming forward to people like DIA and CIA and so on and so forth.

One of our largest concerns right now is a comment that Mr. Armitage, who you will hear from later, made the other day during a news conference where he said that the United States Government would provide firsthand sighting reports to the Vietnamese to look into. Now, I don't know to what extent the information that those reports would entail, but from a refugee point of view, I would be very, very apprehensive about providing further information or coming forward knowing that I left relatives in Southeast Asia and now coming to the United States Government and providing information, we would in turn turn around and give it back to the Vietnamese who would go back to the area where my relatives were.

So whether the information turned over was specific enough for that or not, it is what they perceive it as being, and by our Government's own admission, the refugees are the largest supply of sighting reports.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Thank you, Bob.

Chairman MURKOWSKI. Thank you very much, Mr. Bilirakis.

Mr. Cressman, you have given us a photograph. The caption is copy of of a photograph identified as one of Mr. Smith and a Lao resistance fighter, and the Caucasian appears to be in pretty good health. You can't tell from the photograph. His appearance is certainly neat, tidy, he appears to be wearing clothing, a kind of an open white sports shirt which would not necessarily lead one to believe that he had been a prisoner of war for ten years.

Can you give any other information?

Mr. CRESSMAN. In open session I really do not want to go into too much detail other than to say that the individual pictured was alleged by the people who turned it over to us to be of a semi-free, because of his age and condition——

Chairman MURKOWSKI. A semi-what?

Mr. CRESSMAN. Semi-free. He was allowed out into the local area to do chores, and what they told us was, where would he escape to?

Chairman MURKOWSKI. Enclosure 3 of your written testimony with a caption, copy of a Xerox copy of individual identified as Sergeant Smith, POW, doesn't make it very easy to determine who is in the photograph. It is a——

Mr. CRESSMAN. No, sir. That was—all that is is a copy of the copy I received.

Chairman MURKOWSKI. Do you have the original?

Mr. CRESSMAN. I did not have the second photograph.

Chairman MURKOWSKI. You don't have the original.

Mr. CRESSMAN. But the wife did examine that and she——

Chairman MURKOWSKI. Can you give us any explanation from the standpoint of your closeness to the situation as to what the motivation might be for a coverup in response to Representative Bilirakis' question and your response?

Mr. CRESSMAN. I would—again, it is my personal feeling, I would say for reasoning behind it, I would say self-preservation of the people that would be responsible for either a coverup or incompetency or whatever, and friends of those people.

Chairman MURKOWSKI. Well, being the tremendous commitment and emphasis we put on the issue of accountability and the humanitarian commitment that I think is well known by our government certainly as far as policy, my question is what would be—would the motivation be to cover up incompetency or a mistake or a series of mistakes, and basically sacrifice the humanitarian responsibility, if indeed they did make a mistake and found that there were those and withhold that information just to cover the error?

Mr. CRESSMAN. I think that's a possibility. There's also the aspect that for 13 years now there has been the question of are there live prisoners over there. I agree that President Reagan is the most committed President on this issue, and there has been a major increase in activity since 1981. But I am also concerned at the fact that it has been publicly stated over and over that the intelligence assets of the United States community of the intelligence community are fully focused on this issue, and since 1981, with all the wherewithal our Government possesses, we have not been able to prove or disprove whether these people are there.

I think if one came out today that was a bona fide prisoner, that it would be a very large embarrassment for our intelligence community.

Chairman MURKOWSKI. I very much appreciate that explanation. I think that your opinion as one so close to the issue, from the standpoint of what the motivation might be, is relevant certainly to the hearing, and I do thank you.

I am happy that we were able to accommodate your schedule. I do look forward to proceeding with the balance of the hearing.

I will excuse the witness now.

Mr. BILIRAKIS. Mr. Chairman, would you forgive me, sir, but I have one very quick question, if I may.

Bob, do you know the location of the camp? Your testimony seems to indicate to me that you may have known or may know the location of the camp.

Mr. CRESSMAN. The location of the camp was, I knew its location up until approximately the second week in December. The camp obviously will still be there. Whether those people are still there I do not know.

Mr. BILIRAKIS. Are you saying something happened during the second week in December?

Mr. CRESSMAN. No, no, that was the last time I had any information on those people still being at that location.

Mr. BILIRAKIS. Oh, the second week in December, this past December?

Mr. CRESSMAN. 1985, yes, sir.

Mr. BILIRAKIS. Have you made that information available to any agency of the Government?

Mr. CRESSMAN. No, I have not.

Mr. BILIRAKIS. Why not?

Mr. CRESSMAN. For the same reasons that Mr. Barnes and Sergeants McIntire and Smith alluded to earlier. I am not fully confident what will be done with it.

Mr. BILIRAKIS. Well, will you make that information available to this committee?

Mr. CRESSMAN. Yes, I will.

Mr. BILIRAKIS. Mr. Chairman, I ask that that be done.

Chairman MURKOWSKI. Would you prepared to make that information available on a classified briefing?

Mr. CRESSMAN. Yes, sir, I will.

Chairman MURKOWSKI. You will not make it available publicly.

Mr. CRESSMAN. No, sir.

Chairman MURKOWSKI. All right.

It will necessitate, then, that we will recall you, and obviously that may inconvenience you, but I have no other choice in view of the fact that we have a substantial portion of the witnesses that are going to have to be handled in a classified environment.

Mr. CRESSMAN. If it would be more expeditious, I would be happy to submit a copy of the map with the locations on it, as long as it was not made public.

Chairman MURKOWSKI. You may do that, and it will be held as a classified matter, and you may deliver that to Mr. Principi at your convenience.

Mr. CRESSMAN. I would be more than happy to.

Chairman MURKOWSKI. As a classified document.

I would recess this hearing until 9:00 a.m. this Thursday.

Thank you very much, and I appreciate all of those who participated.

[Whereupon, at 12:56 p.m., the committee recessed, to reconvene at 9 a.m., Thursday, January 30, 1986.]

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

THURSDAY, JANUARY 30, 1986

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC.

The committee met, pursuant to notice, at 9:10 a.m., in room SD-192, Dirksen Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Denton, Cranston, and DeConcini.

Also present: Representatives Solomon, McEwen, Hendon, Gilman, and Smith of New Hampshire.

Chairman Murkowski. We will call the Senate Veterans' Affairs Committee to order.

We are reconvening after our hearing last Tuesday. I want to introduce my colleagues.

Senator DeConcini was with us on Tuesday, and Representative Hendon joins us this morning, as does Representative Smith. There will be a number of our colleagues coming in throughout the day.

I apologize for the inconvenience of changing rooms again. I found myself taking a little extra walk this morning and then making a square back.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman Murkowski. I do want to welcome you all to the continued proceedings on the issue of live sighting reports of Americans listed as missing in action in Southeast Asia.

We have convened these hearings to afford the families of the missing in action an open forum on the reports, accounts, and emotions that surround the issue, an issue whose resolution is a priority of the U.S. Government.

As I stated on Tuesday, I believe the Congress must take an active role in providing a resolution to the issue by working to gain the fullest possible accounting in the bright light of public scrutiny.

It is important to note that our purpose this morning is not to make a determination or reach a final conclusion, but, more importantly, to provide an opportunity for those who have information on the issue to make it known to your Congress and to the American people.

On Tuesday, we heard from six witnesses. Today we will hear from the balance of the nongovernment witnesses. The third day of hearings has been scheduled for the first of next week, at which time we will receive testimony from the Government witnesses.

I want to stress to all the witnesses that it is important that we stick to the facts, as known, and avoid completely personal comments, hearsay, or innuendo. I would ask each of the witnesses to be as specific as possible. I must warn that utterances of classified information in open session could be construed as a breach of national security. Arrangements have been made to provide any witnesses with information that is either classified or simply desired to be kept secret the opportunity, presented by the committee to you, in a closed session at the conclusion of the regular witness list today.

I would also remind you that we are going to limit your testimony to 5 minutes. Your written testimony, of course, can be submitted in its entirety for the record.

I would again remind witnesses that all testimony will be given under oath.

Our first witness this morning is Mr. Richard Hebert.

Is Mr. Hebert with us this morning?

[Pause.]

Chairman MURKOWSKI. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Mr. HEBERT. I do.

Chairman MURKOWSKI. Please proceed, Mr. Hebert.

We welcome you to the committee.

We are sorry that the temperature has risen. We are attempting to get the building maintenance people to turn it down, but I think they turned it the other way when they saw the snowfall yesterday.

STATEMENT OF RICHARD F. HÉBERT, PRESIDENT, THE CENTER FOR POW/MIA ACCOUNTABILITY, INC.

Mr. HEBERT. Mr. Chairman and members of the committee, I appreciate this opportunity to appear before you today on a subject of signal importance to our Government—the families of our missing Americans, veterans, the American public, and one in which I have a great personal interest.

I am a commissioned officer in the U.S. Marine Corps on retired status and a Vietnam veteran, having served two combat tours there. I was a fighter pilot and flew 216 combat missions, most of them over Laos and North Vietnam.

Two of my former pilots are still listed among the missing in action.

In trying to assist our Government to resolve the tragic dilemma of over 2,400 Americans still missing from the Vietnam war, I have, during the past 5 years, set aside my private practice as a management consultant to almost exclusively devote my time to the issue. For the last 3 years, I have served in an unpaid status as President of the Center for POW/MIA Accountability, a nonprofit, tax exempt corporation, chartered in the District of Columbia.

The Center's sole purpose is to work for resolution of the issue in concert with our Government and legitimate interest groups from the private sector. The Center does not accept money from family members or from any Government agency, nor does it endorse activities in conflict with U.S. Government policy.

In my testimony today, I wish to address a few activities emanating from the private sector which are considered productive, as well as some considered counter-productive.

In early 1981, I conducted a detailed study and analysis of the POW/MIA question to define a course of action with the highest confidence level for success so as to attain the fullest possible accounting of all missing Americans.

A total of six possible courses of action were considered, including private, paramilitary rescue operations and diplomatic efforts on a government-to-government basis.

The recommended course of action with the highest probability of success was determined to be an intensive diplomatic effort to persuade the Vietnam and Lao Governments to provide the fullest accounting based on humanitarian reasons.

In order to place our Government in a most-favored negotiating position, it was also deemed essential that popular support of the American public be developed by implementing a media blitz to substantially increase public awareness on the issue.

Unlike previous administrations, this scenario has largely been pursued by the current administration, and with very positive results, I might add.

The Government has perhaps the most skilled diplomatic team working the issue with the full support of the most sophisticated, technical resources that the public has ever seen.

As a complement to the Government's efforts, Americans are indeed, fortunate to have the expert services of the National League of Families, representing their interests as well as providing continuity of effort over these many difficult years.

In the study I spoke of, private rescue operations were analyzed but rejected because they produced the least probability of success with a confidence level of zero. Statistically, a zero equates to an absolute impossibility. Anyone who believes in success under such formidable odds is insane.

It has been my experience through association with various illogical individuals of the "Rambo" persuasion that their pursuit of the issue is for their own self-serving interests. Most often it is for personal financial benefit at the expense of family members and a naive public, or to gain recognition that was somehow never earned.

Such actions send false signals to the Vietnamese, leading them to believe America is severely divided on the POW/MIA issue, much the same way it was during the Vietnam war.

The effect of their activities is exacerbated by the senseless bartering in artifacts gleaned from the trashing of crash sites. Putting a price on human remains and crash-site artifacts is fueling a ghoulish commerce, resulting in a series of tragic events. False and fabricated items, such as animal bones, phony dogtags and clothing remnants have surfaced. Further, scavengers are dividing real remains to increase the supply. It is said that a human cranium has been sawed in half and offered for sale, piece by piece.

The majority of Americans buying artifacts do so for reasons other than to ease their own anguish or that of some unknown

American family. Most of them are radical critics of the administration's allegedly slow action in determining the fate of our POWs and MIAs. Their wish is to somehow legitimize their allegations by creating a "smoking gun scenario". However, these artifacts so far, have provided little forensic value to the investigative process. The buyers stimulate an already active market, they also generate additional false and bogus live sighting reports and encourage unlawful forays into Laos, much to the anger of the Lao Government, which consequently disrupts formal negotiations.

Another task of the Center is to stay informed on "Rambo-like" rescue operations. Through the Center's network, we have achieved a large measure of success in filtering significant illegal activity from rumor. This information then is passed on to appropriate authorities for their consideration and possible use.

The goal of all concerned Americans is to see the POW/MIA issue to a just and honorable conclusion. The claims by critics of the Government that there is a deliberate coverup precluding the fullest accounting of POWs and MIAs is patently innane.

The Government has an expert, functional task organization in place that consistently produces positive results. Additional cognizant or oversight authority, whether by commission, committee, or other forum is unnecessary.

The allegations made by critics of the administration, including those currently under litigation, are based on nothing new, but rather on rumor, hearsay, false assumptions and biased interpretations. Some allegations relate to reports contained in the Department of Defense's fifteen volume series on uncorrelated information. These documents were released under the Freedom of Information Act and have been available to the public for many years. To cite them as proof of Government ineptness and deliberate coverup is utterly ridiculous. If the critics have any new, authentic evidence to offer, it is their bound duty to turn it over to the Government with haste, if not to DIA, then certainly to this committee. To withhold possible useful information in their own selfish interest and at the expense of family members and concerned citizens is repulsive.

Chairman MURKOWSKI. Mr. Hebert, your 5 minutes has expired. I wonder if you could kind of consolidate your remaining remarks and proceed.

Mr. HEBERT. Yes. I certainly will.

Solution of the POW/MIA issue is a profound moral obligation of all concerned Americans. A successful outcome is solely dependent on the best judgments and actions of the U.S. Government.

The issue transcends all personal desires other than to see it to a humane and honorable conclusion.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Hebert appears on p. 347.]

Chairman MURKOWSKI. Thank you very much, Mr. Hebert.

Do you have an opinion whether Americans are still being held against their will, captive in Southeast Asia?

Mr. HEBERT. Yes, I do.

I think that the probability of live Americans still being over there is certainly one that can't be ruled out.

Chairman MURKOWSKI. And your personal opinion, then, is not to rule it out?

Mr. HEBERT. Absolutely.

Chairman MURKOWSKI. Do you have any confidential information regarding the information of POW/MIAs?

Mr. HEBERT. No, sir, I do not.

Chairman MURKOWSKI. Have you travelled in either Laos or Vietnam?

Mr. HEBERT. No.

But I have flown over both of them.

Chairman MURKOWSKI. You indicated in your written testimony that scavengers who prey upon the remains of American servicemen for their own financial gain are usually Lao anti-government guerrillas? Is that right?

Mr. HEBERT. Yes, sir.

Chairman MURKOWSKI. How do you know this to be the case?

Mr. HEBERT. Well, based on a post-action field report that one of our members made over there last year. He travelled to Kuala Lumpur, Singapore, Bangkok, and with permission and approval. He was escorted by members of the Embassy and JCRC to the refugee sites, the refugee camps, and it was reported to him from reliable sources that that was primarily the case. The majority of the scavengers are anti-Lao resistance members.

Chairman MURKOWSKI. You indicated in your testimony that you felt that some of the well-meaning efforts that were not necessarily Government-connected were, in effect, I think, if I can paraphrase your general term, taking advantage of some of the families. I think you used the words "naive public."

My question is these people are obviously genuinely interested in trying to clear up the doubt.

Mr. HEBERT. I agree.

Chairman MURKOWSKI. How do we define that fine line between good intentions and something that goes a little further and suggests self-serving?

Mr. HEBERT. Well, I think that it's obvious that it has to be based on a relationship of trust and confidence in our Government.

Chairman MURKOWSKI. Well, there have been allegations that our Government has not been totally responsive, that it has not attempted to followup with the appropriate detail and, as a consequence, individuals have chosen and seen fit in the effort of attempting to shed some light on it to initiate their own contacts and their own information sources.

Mr. HEBERT. That's true, and there is a great deal of activity toward that effort by private groups.

Chairman MURKOWSKI. Can you give the committee any specific instances where you are aware of POW/MIA advocacy groups that, in your opinion, may be taking advantage of the situation and the public?

Mr. HEBERT. Yes, sir, I can.

In 1981, I was requested to join a group of individuals under the guidance and leadership at that time of a retired Army Lt. Col., Bo Gritz, and ostensibly, this was for a rescue mission tacitly approved and sanctioned by the U.S. Government.

I went to the training site in Florida with the responsibility at that time of doing the necessary air planning for a cross-border rescue operation.

It was apparent to me, after perhaps 3 hours into the top secret briefing that they were holding, that was also open to the media and had representatives from one of the major TV networks and from several newspapers there; that what they had proposed, from a military operational standpoint and aside from the fact that there may or may not have been a target site, was absolutely ridiculous. Further, their designated target site was a site that I had flown over many, many times during my combat tour in Vietnam in 1969 and 1970. It was customary that before we went out on our missions, we had a daily intelligence briefing, and all of the suspected or known prisoner of war campsites in Laos were plotted on our charts and maps that we carried in our cockpit.

I brought this to the attention of a colleague of mine and said, "I still believe that I have that site, that particular site, marked on my chart back in my effects", and he said that he did too. We compared, after we left that particular endeavor of Gritz's; we compared our charts and it was a fact that the site that Gritz had designated was an old POW campsite that was well known to the authorities and one that we had flown over many, many times.

Chairman MURKOWSKI. Couldn't that have been just one coincidence, as opposed to the generalization that your testimony infers that advocacy groups, which means or would suggest more than one, have perhaps been misleading? I'd like to see if, in your opinion, this is just one instance or if, in your opinion, it occurs more regularly.

Mr. HEBERT. No. There are several instances of that, Senator, that I am aware of and specifically, of two groups now that are ostensibly training for paramilitary operations.

Chairman MURKOWSKI. My time is up.

I have to leave for about 20 minutes. I am going to ask the Ranking Minority Member, my colleague, Senator Cranston, to take over the hearing at this time.

We very much appreciate your presence here this morning. I might advise you that when the hearing was opened on Tuesday, we established a procedure, and, as you know, we had Representative McEwen and Representative Bilirakis as well as Senator DeConcini and myself on the trip. As a consequence, we have asked them to participate as members, so to speak, free to make opening statements and question witnesses.

We have had requests from other Senators off the committee as well as House members. I have instructed them that they are free to join us at the podium, but they are not free to question witnesses. They may appear as witnesses and make a statement as sworn witnesses.

With that, I would ask you to come over and preside until I can get back here.

Senator CRANSTON. Thank you very much, Mr. Chairman.

I will just stay right here.

I appreciate the opportunity to be with you at these very important hearings.

Chairman **Murkowski**. If you have an opening statement that you have not had an opportunity to make, make that and then please ask your questions.

Senator **Cranston** [presiding]. Yes.

OPENING STATEMENT OF SENATOR CRANSTON

Senator **Cranston**. Very briefly, let me just say that I sympathize very greatly, as do all Americans, with those families who, to this day, cannot be certain what happened to their brothers, sons, or fathers.

I feel very strongly about this issue and I appreciate and respect the very deep sentiment and concern about it throughout our country and in my State of California.

As long as questions remain about the fate of our POWs and MIAs, we must do our very best to pursue this issue and to answer those questions. I am committed to that end.

Only when the POW/MIA issue is resolved can there be a resolution of the issue of our relationship with Vietnam. Without concrete cooperation from the governments of Vietnam and Laos, I'm afraid we will not be able to resolve the many lingering questions about the fate of our service personnel.

It is my sincere hope that these hearings will contribute to both short term and long term resolutions to the many complexities and emotions involved in this very perplexing and troubling issue.

I look forward to reviewing the testimony of the witnesses at all these hearings—Tuesday's and the others—and to working with my colleagues of both Houses as we continue to seek answers.

I do not have any questions at this time, but I would like now to yield to my colleague, Senator DeConcini, for whatever questions he may have.

Senator **DeConcini**. Mr. Chairman, thank you very much.

Mr. Hebert, I want to preface my questions with the fact that there have been many allegations and cross allegations of a coverup. People under oath have testified here. I don't know if you were here at the last hearing.

Mr. **Hebert**. Yes, I was.

Senator **DeConcini**. One of them, Mr. Barnes, has submitted to medical and to highly technical procedures as to the veracity of his testimony, and this leaves doubts in people's minds. I'm like you, I cannot believe that our Government would participate in anything that would be of the nature of not full disclosure, and I find it absolutely repugnant.

However notwithstanding that, we are charged here I believe, with an effort, a sincere effort, to try to bring it to a head so that we as committee people, can make decisions——

Mr. **Hebert**. That's what I understand.

Senator **DeConcini** [continuing]. Of who's telling the truth and who may not be.

We are certainly fallible human beings and we may make mistakes.

Mr. Childress, I have great respect for him. I think he has attempted to do the best he can with the circumstances that he has. I'm not sure he has all the information and I am not prepared to make any allegations that he has been involved in any mismanagement of his office or of his responsibility.

Nevertheless, the doubt is there, and the doubt and allegations are raised about your relationship with Mr. Childress.

In light of that opening statement, I'd like to ask you what that relationship is with Mr. Childress and the Center for POW/MIA Accountability, Inc.

Mr. HEBERT. It's as a private citizen on a casual basis.

I approached Mr. Childress approximately 1½ years ago and before that time, I had been visiting DIA and Lieutenant Colonel Venanzi, and also Mr. Childress.

I thought that to streamline things it would be better to deal with just one individual, as opposed to three, or a couple of separate units. So I asked him if there was any problem if I dealt directly with him, and he said none whatsoever.

So that established our relationship.

Senator DECONCINI. Has he put you in contact with any people, provided information or funds to your Center?

Mr. HEBERT. No, no sir.

Senator DECONCINI. An allegation was made by a John Meade of Sunnyvale, California, that on January 13, 1984—and I will ask Mr. Childress this, of course—that Mr. Childress revealed that the Center was his "investigative group."

Are you familiar with that allegation?

Mr. HEBERT. No, sir, I am not.

Senator DECONCINI. Is there any truth to that allegation?

Mr. HEBERT. None whatsoever.

Senator DECONCINI. Have you ever been asked by Mr. Childress or anyone in DIA or the U.S. Government to do any investigation on their behalf?

Mr. HEBERT. No, sir—never.

And, if I were, I might add that I would refuse. We are a private, nonprofit organization.

Senator DECONCINI. Would you refuse information that you have, to turn it over to them?

Mr. HEBERT. No.

Senator DECONCINI. But you would refuse doing any chore or task that they might ask you to do?

Mr. HEBERT. That's correct.

Senator DECONCINI. Other than just hand over what you might already have?

Mr. HEBERT. Yes, sir.

Senator DECONCINI. Do you have any clearance agreement with the Federal Government of any nature?

Mr. HEBERT. None whatsoever.

Senator DECONCINI. Have you been cleared on a classified nature?

Mr. HEBERT. Currently, none whatsoever. When I retired from the Marine Corps, I had a final Top Secret clearance.

Senator DECONCINI. Do you have access to classified information?

Mr. HEBERT. No, sir, and I wouldn't want access. It's not necessary.

Senator DECONCINI. It's not necessary?

What do you mean, "It's not necessary?"

Mr. HEBERT. I don't think it's absolutely necessary for people to have access to classified information. I think in those cases where there may be information that is classified, that it's up to the originator or the one that assigned that classification to go ahead and dispense or release what information or portion of that which is not classified.

Senator DECONCINI. Do you have doubts, Mr. Hebert, of the testimony given by Major Smith and Sergeant McIntire and Scott Barnes as to the information that they've turned over and the testimony they gave that they were told not to talk about this and not to pursue it?

Mr. HEBERT. Do I have any doubts?

Senator DECONCINI. As to the veracity of those statements.

Mr. HEBERT. Yes, sir. I do.

Senator DECONCINI. On what basis do you find your doubts?

Mr. HEBERT. Well, this is my own personal opinion, but I have read both the complaint by the complainants and the Government's answer to the suit, and it just seems to me that it's totally implausible. I think the Government's response to the complaint that is on file and a matter of public record; I think each individual allegation is very, very well and closely addressed.

Senator DECONCINI. Were you here last Tuesday?

Mr. HEBERT. Yes, sir. I was.

Senator DECONCINI. Did you hear the testimony under oath of those gentlemen?

Mr. HEBERT. Yes, I did.

Senator DECONCINI. Do you feel, after listening to that testimony, that it has no basis?

Mr. HEBERT. As to what—the veracity of their allegations?

Senator DECONCINI. Yes.

Mr. HEBERT. I think that it should require further scrutiny.

Senator DECONCINI. Inquiry?

Mr. HEBERT. Yes, inquiry or scrutiny.

Senator DECONCINI. Do you feel that enough was presented that, notwithstanding your feeling and mine, that this just can't be true we couldn't be involved in such a thing as a government, that there was enough evidence or statements made that we ought to continue to pursue at least these allegations—we'll call them that for right now?

Mr. HEBERT. Well, those that on the surface that appear to be true. Others are, in my estimation, patently false, and whether or not they were given under oath, still does not alter that opinion.

Senator DECONCINI. Can you recall to us which ones that were given that you feel are patently false, just offhand?

Mr. HEBERT. Yes, sir.

I believe it's ludicrous to think that a major general in the U.S. Army would chastise one of his subordinate officers in the manner that was described by Major Smith and threaten him with, I believe, the words that Major Smith stated were something to the effect that if he wanted to make lieutenant colonel, he'd better forget what——

Senator DECONCINI. Your feeling is that major generals don't ever do that sort of thing? [Laughter.]

Mr. HEBERT. Well, I don't think that any commissioned officer, any officer, whether it's to a superior or a subordinate—you know, what happened to trust and confidence?

Senator DECONCINI. Well, the point is that that's a good question.

That's a good question and I'm glad you asked it. I'm not as confident as you are that major generals are any more pure than senators or congressmen or judges or any of us in society, and that they make mistakes and they get carried away with their power, and sometimes they abuse it.

I'm not saying that this is the case. But I don't find my confidence level quite as high as yours that a Major General or any officer just absolutely would not abuse his subordinate.

I know, just serving as a second lieutenant, I had a Colonel that I felt was abusing me. Probably I was out of line because I was a young whippersnapper and thought that I knew everything that had to be known about the military and I probably deserved it. But I certainly thought he was out of line.

So did some other officers, and we filed a complaint. It was of no value whatsoever, of course, and nothing happened to it except I didn't get promoted to captain. But I don't think that was really why.

Nevertheless, I had a little experience just serving that small time.

Let me just ask you regarding the source——

Mr. HEBERT. Let me just state one thing if I may, Senator.

Senator DECONCINI. Yes, sir.

Mr. HEBERT. What I had reference to is those of us in the military and out of the military who are serving in a structured environment have, on occasion, had to do a rug dance and get chewed out. But that wasn't what I was addressing. Perhaps it was lost in the conversation.

Senator DECONCINI. Excuse me.

Mr. HEBERT. What I was addressing, is that Major Smith alleged in his statement the other day and also in his written statement as part of the complaint, that gives the implication that there was a major general in the U.S. Army who was precipitating a coverup. That's what I think is utterly ridiculous.

Senator DECONCINI. But that is only based on your feeling that major generals wouldn't do that.

Mr. HEBERT. Yes, sir—going back to special trust.

Senator DECONCINI. There is no factual information that that couldn't have taken place?

Mr. HEBERT. I beg your pardon?

Senator DECONCINI. No factual information that you have?

Mr. HEBERT. No.

Senator DECONCINI. One last question, Mr. Chairman, and then I'll yield.

There was a group meeting in Phoenix, known as Project Freedom last year, or more than a year ago. Were you present there?

Mr. HEBERT. No, sir, I was not.

Senator DECONCINI. Are you aware that someone came there representing your group?

Mr. HEBERT. No, sir, I'm not.

Senator DeConcini. You're not? OK.

Just for the record, someone did come there, and I will attempt to secure his name, and indicated they represented the Center and acknowledged that the Center had a political mission and that it was going to go out of business in November of 1984.

What is your intention with your group as far as the termination of your organization?

Mr. Hebert. Well, our charter is such that we will stay as a viable entity and in the public service or in the public's eye until the issue is closed.

Senator DeConcini. Are you paid by the Center, Mr. Hebert?

Mr. Hebert. No, sir.

I am unpaid.

Senator DeConcini. Are there any paid employees?

Mr. Hebert. No, sir.

There are not.

Senator DeConcini. Thank you.

Senator Cranston. Thank you very much, Dennis.

We are pleased that some concerned members of the House of Representatives are with us at this hearing and now I will turn to each of them.

First, Congressman McEwen.

Mr. McEwen. Thank you very much, Mr. Chairman.

In the interest of the courtesy you have extended to me, I have only two quick questions.

A first observation would be, Mr. Hebert, that you have a real advantage on me in seeing this issue with the clarity that you see it. I have real difficulty in that, and I wish that I had the understanding of complete right and complete wrong of all the players in this question.

You mentioned a POW camp that was known to you in your flights to Laos, as I understand it, in your testimony.

Mr. Hebert. Yes, sir.

That's correct.

Mr. McEwen. Were any POWs ever rescued from that camp? If so, how many? If not, why not?

Mr. Hebert. Not to my knowledge.

But let me clarify what I had stated and submitted before.

We were in an extremely high threat area in Laos. It was several times more threatening, life-threatening, than flying combat flights over Vietnam; South Vietnam or even North Vietnam, and all of the intelligence in that particular area was either generated or funneled through the Seventh Air Force Headquarters in Saigon.

I was attached, not personally, but my unit was attached to the Seventh Air Force under their operational control and as a matter of daily routine, we had to update the known or suspected POW campsites because the Laotians or whomever was in charge of these campsites would consistently and constantly move these people around. The reason for this is that we were primarily responsible for strike control on known or suspected targets. Of course, we didn't want to put in a strike on our own people who might possibly be detained at one of these camps.

Mr. McEwen. So basically, your saying that no one was ever rescued? That's what you're saying?

Mr. Hebert. No.

Mr. McEwen. And no real attempts were made?

Mr. Hebert. Well, of course, this was still during the war. This was in 1969.

Mr. McEwen. So the answer to that is yes, as well?

Mr. Hebert. As far as attempts, I do know of operations that were being conducted over there, clandestine operations. Whether or not part of their mission or task was to rescue POWs is something I'm not familiar with.

Mr. McEwen. I don't want to put words in your mouth. I just want to make sure I understand what you're saying.

No attempts were made and no one was ever rescued in the camps, the known campsites, that you were aware of?

Mr. Hebert. Well, yes.

Mr. McEwen. OK.

You mentioned in your testimony, and I just want to get your feeling on this to help me see it with the clarity with which you see it, you said assuming that such an operation, a rescue operation, were implemented, what assurance is there that possible POWs, whose locations were not known, would survive the aftermath of a rescue. It's likely their welfare would be in jeopardy.

Is their welfare not in jeopardy now and therefore a rescue would place them in jeopardy? What level on the spectrum here should we be concerned about their current condition?

Is their current condition superior to the jeopardy that a rescue operation would place them in?

How do I understand this?

Mr. Hebert. It's my judgment that if there are live Americans over there now, most certainly, whatever their physical well-being is or their state, that in the event of a private rescue attempt, which is militarily unsound and almost unsupportable from a logistic point of view—that under those circumstances, if one did take place and they were successful in rescuing 3, 5, 25, or whatever the case may be; what would happen to any other possible ones that might be in other sites that were unknown to the rescuers? It's reasonable to assume that any POWs that may be held against their will are not in a classical—incarcerated in a classical prison environment for several considerations. It's too obvious and also, economically it's very expensive.

It's my opinion that POWs would more than likely be turned over to the cognizance or control of village chiefs and would be dispersed in deep jungle and in several different areas.

It compounds the situation.

Mr. McEwen. OK.

I appreciate that.

I am just trying to get at your thought process on this.

Let's say that you were a POW in Laos today. From your frame of reference, as you are speaking with me here, would you prefer to stay in that condition, as opposed to having a rescue mission attempted?

Mr. Hebert. That's a difficult question, Mr. McEwen.

Mr. McEwen. I think it's very insightful to me in the relevance of your testimony.

Basically, as I understand what you said, you'd prefer to be left alone?

Mr. **Hebert**. No, sir. I said it was a difficult question.

No, sir. I would very definitely want to be rescued.

Mr. **McEwen**. Thank you.

Thank you, Mr. Chairman.

Senator **Cranston**. Thank you.

I understand that Chairman Murkowski has asked that the other two members of the House who are here who were not on a trip not engage in questioning at this stage because we have so many witnesses.

So, if we may, we will now proceed to the next witness, and you will both have opportunity to submit questions in writing; and, perhaps at the end, if there is time, you will have the opportunity for questions.

The next witness was scheduled to be Mr. Jerry Mooney of Wolf Point, Montana.

I understand, Mr. Mooney, that you wanted to give your testimony in closed session.

Is that correct?

Mr. **Mooney**. Yes, sir. It is required that I testify in closed session.

Senator **Cranston**. I think then that we should then proceed with other witnesses and defer calling on you until we have dealt with other witnesses. We will have to close the hearing to hear from you.

Mr. **Mooney**. Thank you, sir.

Senator **Cranston**. Very well.

Our next witness will be Col. Earl P. Hopper, U.S. Army (retired), from Glendale, Arizona.

Colonel, thank you for being with us.

Would you please rise, and do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

Colonel **Hopper**. I do.

Senator **Cranston**. Thank you very much.

STATEMENT OF COL. EARL P. HOPPER, U.S. ARMY (RET.), GLENDALE, AZ

Colonel **Hopper**. Thank you very much, Mr. Chairman and distinguished members of the committee.

I appreciate this opportunity to appear before the committee today and to share with you some thoughts relating to our American prisoners of war who have not returned from the Vietnam war.

I am Colonel Earl Hopper. I retired from the Army in 1969, after 29½ years of service.

My oldest son, Lt. Col. Earl P. Hopper, Jr., U.S. Air Force, was shot down on the North Vietnamese-Lao border on January 10, 1968. He was carried by the U.S. Air Force as missing in action until July 14, 1982, and then, under the Reagan administration, he was declared dead.

Subsequently, the Department of Justice reviewed his case and determined that he was, in fact, captured, and was a prisoner of war.

Upon my retirement from the service, I became very active in the POW issue, both in Arizona and nationally. I was a member of the Board of Directors of the National League of Families of American Prisoners and Missing in Southeast Asia from 1973 to 1984, and during that time I served 1 year as the League's Executive Director in the Washington D.C. area and 6 years as Chairman of the Board of Directors.

I remain a member of the League, and I also serve on the Board of Directors of Task Force Omega, Inc., which is a POW-oriented organization, devoted to the return of our live American prisoners and the remains of those who have died.

It is my personal opinion that American prisoners of war, servicemen and civilians, were left behind, knowingly by the U.S. Government, in Southeast Asia, and that some of those Americans are still being held today, against their will by the Communist governments of Vietnam and Laos.

I wish to enter for the record, Mr. Chairman, two Central Intelligence Agency documents, one of them dated March 28, 1970 and the other one November 25, 1970. The subjects are "Enemy Prisons in Laos."

These two documents prove beyond a doubt that the Central Intelligence Agency knew that American prisoners were in Communist Lao prison camps in those days, in 1970.

Senator CRANSTON. Have those been declassified?

Colonel HOPPER. They are unclassified. Yes, sir. They were unclassified and approved for release in June 1978.

Senator CRANSTON. They will appear in the record, without objection.

[The documents referred to appear on p. 357.]

Colonel HOPPER. It's significant that these 1970 reports give the number of American prisoners held at specific locations in Laos. More significant, however, is the CIA's designation of these camps as confirmed prison camps, and by the terms of information contained therein, they state that in order for a prison camp to be confirmed, it must be reported by two or more independent sources.

What I'm doing here is trying to establish for the committee the validity of these prison camps, the prison camp's several locations, and the number of American prisoners CIA stated were in those prison camps in 1970.

These reports are unclassified and were approved for release, as I said, in 1978. Undoubtedly, subsequent CIA reports from 1970 up to 1973 or even later, would at least double the number of American prisoners (probably over 100) held in these confirmed prison camps. On an unclassified or a classified basis they would be available to this committee, I am sure.

I also wish to submit for the record two other documents. One is a document from the hearings of the House Select Committee on Missing Persons in Southeast Asia, February and March, 1976. The other one is a Defense Intelligence Agency document dated December 7, 1977, to the Department of Defense.

Senator CRANSTON. They will appear in the record.

Colonel HOPPER. Thank you.

[The documents referred to appear on p. 377.]

Colonel **Hopper**. These two documents provide statements by Lao officials, Communist officials, who speak of and acknowledge American prisoners held by Communist forces in Laos in the early 1970's.

There are, I'm sure, other documents available to the committee through your research that would substantiate these statements also and provide additional information.

But, as you read these official documents, you can see that American prisoners were held by the Pathet Lao through 1973, by Lao officials own acknowledgment and by their own statements, yet we have not received a single American prisoner of war from a Communist Lao prison camp.

The questions are why weren't these prisoners returned and where are they today? Over 560 Americans are unaccounted for in Laos, many are documented POWs.

Someone knows the answer to that question and the burden of responsibility to obtain that answer rests squarely on the shoulders of the U.S. Government and its intelligence agencies.

To date, they have not fulfilled that responsibility. It's an area in which I hope you and your committee, Mr. Chairman, will take sincere interest and further investigate in detail. To have left these men behind and not to have recovered them is a perfidious act and someone must be held accountable.

I have attempted here very briefly to establish the fact that American prisoners of war were known by the U.S. Government to have been in Lao Communist prison camps and that they were left there, after the cessation of hostilities.

This leads me into another area I consider to be the greatest weakness, in fact, the greatest tragedy of this POW issue—the inability to obtain conclusive, timely evidence that these American prisoners are still being held.

From what I have been told by high level Government and intelligence officials and what I have read, on the ground, human or covert intelligence capability in Vietnam and Laos has not existed.

As recently as October 9, 1985, Mr. Chairman, Robert McFarlane, at that time the National Security Advisor to President Reagan, stated that, "There have to be live Americans there." He went on to say, "There is more that we ought to be doing than we are. What we need to do is to have better human intelligence in Vietnam. Now we don't. I wouldn't pretend to you that we've done enough to even start, and that's bad, and that's a failure."

I submit for the record a transcript of the tape recording in which he is quoted as making those statements.

Senator **Cranston**. Thank you.

That will go in the record.

[The transcript referred to appears on p. 388.]

Colonel **Hopper**. The thing that bothers me in that statement is that Mr. McFarlane was with the President daily and he was responsible to keep the President briefed on the POW problem. I wonder if he informed the President of his feelings and shared his thoughts with him?

I have noted a sworn statement by a very reputable returned prisoner of war, retired Navy Captain Eugene "Red" McDaniel, that even Dick Childress, who was on Mr. McFarlane's staff, also said he felt there were live POWs still over there. How can so many Presidential advisors feel this way, but do nothing about it?

Human intelligence capabilities focusing on live POWs should be subjected to detailed and extensive examination by your committee. It is apparent it is not functioning to its fullest, or it is nonexistent. I am inclined to believe, contrary to USG officials denial, the latter to be true.

Another area deserving your attention, Mr. Chairman, is the treatment of Asian refugees who voluntarily come forward with information on live prisoners of war. Since the Vietnamese and Laotian refugees started fleeing their homes and settling in free countries all over the world, over 800 have reported firsthand, eyewitness information on live POWs. These people are honest, reliable people who have no reason to lie, but they have been mistreated.

I have, over the years, talked to a number of these individuals, who have complained of their treatment by U.S. Government intelligence agencies debriefers or, more appropriately, probably interrogators.

The first complaint that I witnessed was as early as 1978, and the latest was 1984, when I spoke to one who was a French citizen, but ethnic Vietnamese. These refugees complained of intimidation, threats, insult, degradation and even of being accused of lying and of being Communists.

Because of this, many sources of live, eyewitness reports will never submit themselves to further debriefing after their first or second session with U.S. Government representatives, and these may be the very sources who could provide the conclusive evidence needed of live POWs.

I submit for the record, Mr. Chairman, a letter written by Madam Le Thi Anh, a Vietnamese lady who lives here in Maryland. In this letter she outlines some complaints of these refugees. Madam Anh lists only a few of the many of which she has knowledge.

Madam Anh has been cooperating with U.S. Government agencies, POW-oriented organizations, and with the National League of Families as a collector of information from the Vietnamese all over the world, as well as acting as translator and interpretor for serveral years.

I believe Madame Anh probably knows the situation better—and I am referring to the refugee reports and the treatment of the refugees—than any other individual, and I would recommend to you, Mr. Chairman, that Madam Le Thi Anh and some of the refugees who have these complaints be called before this committee so you can hear them firsthand.

I'd like to submit this letter for the record.

Senator CRANSTON. That will go in the record.

[The letter referred to appears on p. 390.]

Colonel HOPPER. I wish to add at this time that I fully support the actions taken by Lt. Colonel Howard, Major Smith and SFC McIntire in filling litigation against ranking officials of this and other administrations. Based upon the testimony they and others have filed, sworn testimony under the threat of perjury, in support of their litigation and the testimony given to this committee, under oath, they have to be telling the truth. No other conclusions can be reached. They have made serious changes.

These men are Special Forces personnel, the elite of the military services, honorable men who dedicated their lives to the military service of their country. Two are commissioned officers and one is a non-commissioned officer whose personal and professional training and conduct do not permit them to lie. Their decision was the most difficult decision one could make - that of filing a court action against their Commander-in-Chief in order to save the lives of American servicemen and civilians with whom they served and fought in Vietnam, Laos and Cambodia. I admire them for their courage and hold them in the highest esteem.

In taking the action they have taken, they have nothing personal to gain except the knowledge that they are doing everything they can to ensure the return of my son and others who are still being held in brutal communist prison camps. Those men and women being held must think their country, their nation, their government and their families and friends have forgotten them and, with those thoughts, they are suffering more and more each day.

What Howard, Smith and McIntire, as well as Scott Barnes, do have to lose is their credibility, personal integrity and a large amount of personal funds if their testimony is not factual. They also face a serious charge of perjury and possibly imprisonment if they were not telling the truth.

Mr. Chairman, take this testimony seriously. It is your responsibility, having now been exposed to it, to do everything within your power to determine why this tragedy exists and to expedite, in every way possible, what ever action is necessary to return our live POWs who have suffered so greatly for the past 13, 15 or 20 years.

The evidence given to you and to this Committee is overwhelming. You must act and act now! Every day, every week, every month, another American may be dying. If a man dies because of failure of the United States Government to bring him home that is the same as if he was executed by an enemy firing squad, worked to death, or died of malnutrition and lack of medical treatment. We don't want the blood of that man's life on our hands.

The failure by the Unites States Government to bring our live POWs home over the past 13 years is a national disgrace caused by incompetance, inefficiency, or a lack of desire. Whatever the reasons, for some it is already too late, but it is not too late for those others who are still living.

I strongly encourage you to call all of those individuals who have been mentioned at these open hearings and those referred to in closed hearings who have had a responsibility over the years for resolving this POW issue. Place them under oath and confront them with the testimony which has been given regarding their actions and orders. Someone must be held accountable for the perfidiousness so apparent in the POW/MIA issue, especially as it concerns our live prisoners of war whom we left behind.

Finally, I have to refute what Ann Griffiths, executive director of the National League of Families, told this committee Tuesday in reference to who has the most to gain or lose in this issue. Mrs. Griffiths stated the families have the most to lose and I strongly disagree with that statement. The men themselves, those who are still alive, have the most to lose or gain by the resolution or nonresolution of this problem. That can not be disputed. But, beyond that the ones who have the most to lose are the American people and this nation. Yes, a relative of a missing man or POW has a strong personal and emotional tie to a loved one, but it goes well beyond that and it becomes a matter of National Honor, National Integrity, and National Conscience. I have a personal responsibility to my son to do everything I possibly can do to bring him and the others home, alive or dead. But, I take that same responsibility and I place it on the shoulders of every American citizen, every government official, every Congressman and every Senator. It is they who have more to lose or gain than I have as a father.

I sat in this room Tuesday and I heard several persons who were testifying in support of the present government strategy, a failing strategy I may add, for bringing our live POWs home. I was amazed to hear the executive director of the National League of Families, a former Marine Corp officer, and representatives of major veterans organizations state support for and approval of a strategy which has not, in the four years since it has been in place, brought a live POW home; with a continuing strategy to give the Vietnamese and Laotian Communist governments another two years to resolve this crisis. They were never asked the question: During that time, past and future, how many American POWs have or will die and, given the fact that some will die, do they still support that strategy? If asked, I wonder then what their reply would have been.

Again, I reiterate that the greatest weakness and the greatest tragedy of this issue is the failure of the US intelligence agencies to develop a covert, on-the-ground, human intelligence capability which could locate our POWs and obtain the evidence needed by the President to recover them. This problem is not new. I and others for years have maintained this capability did not exist even in the face of assurances that intelligence priorities had been raised and the capability had been developed and was functioning. The proof is in results and thus far, as of today, we still have not returned a live POW to this country and to his family. We are bombarded with rhetoric, but no results, and as Mr. McFarlane stated in October, just four short months ago: "There is more that we ought to be doing than we are. What we need to do is to have better human intelligence in Vietnam. Now we don't...that's bad and that's a failure". Who is responsable for this failure and what are they doing to correct it?

In that vein, I may add that conspicuous by their absence at these hearings are representatives of the Central Intelligence Agency, the CIA. Since the CIA is chartered to conduct covert activities overseas and is the US intelligence agency charged with the responsibility to develop such a capability, why have they not been brought before this Committee, placed under oath, and asked some very deserving and pointed questions? They should be called and I strongly recommend you take such action immediately. Mr. Chairman.

In conclusion, I wish to thank your committee for taking an interest in this POW crisis and for holding these hearings. The overwhelming weight of the evidence establishes beyond a shadow of a doubt, in my opinion, that live Americans are still being held in Southeast Asia. But, as stated by the U.S. Government officials, after 13 years they have been unable to provide conclusive evidence to support this fact. This, in itself, is an admission of failure by the Reagan administration.

It's a tragic situation which has to be corrected soon, and the question this committee should be asking and continue to ask until this POW problem is resolved is why? Why? Why?

I fear our live American prisoners who are being held by the Communist governments of Vietnam and Laos are being forgotten to death.

Thank you very much, Mr. Chairman.

I especially wish to express my appreciation to my Senator from Arizona, Senator DeConcini, for his sincere interest in our live POWs and his dedication to resolve this crisis and bring our men home.

[The prepared statement of Colonel Hopper appears on p. 351.]

Senator CRANSTON. Thank you very much, Colonel Hopper.

A son couldn't have a more wonderful father in terms of your perseverence and your loyalty to do what you can about his fate.

Do you have any theory as to why Americans would treat Laotians or Vietnamese who came forward with information allegedly about POWs in the way you've indicated they have been treated?

Colonel HOPPER. I believe General Tighe answered that question in his testimony before the Subcommittee on Asian and Pacific Affairs when he said that there was a mindset wherein efforts by DIA personnel were focused more toward discrediting the source than toward following up the truthfulness of the information those sources gave. Given General Tighe's experience in DIA, his opinion is highly credible.

Senator CRANSTON. Thank you very much.

Dennis.

Senator DECONCINI. Thank you, Mr. Chairman.

Colonel Hopper, thank you for those remarks.

Let me just echo what Senator Cranston said.

I know for some time of your dedication to this effort, not only on behalf of your son but on behalf of the other families of those missing in action. I know that you have accomplished exhaustive research on this issue. You and I have discussed it many times, including a category of MIAs as to their military specialty.

In particular I'd like to know for your research how many electronic warfare officers were repatriated and how many were lost? And were these men lost in Vietnam or Laos?

Can you give that to the committee?

Colonel HOPPER. The information that I had was that in one particular instance during a major bombing of the Hanoi-Haiphong area by B-52s, of 10 aircraft that went down, only one electronic warfare officer was returned.

Senator DECONCINI. What conclusion do you draw from that, if any?

Colonel HOPPER. I draw the conclusion that the enemy was very interested in personnel who had this high-tech experience, knowledge, and education, not only in electronic warfare but also in nuclear warfare and other special areas.

Senator DeConcini. Do you believe there was a motive not to return those people if, in fact, they were alive?

Colonel Hopper. I think the probability is very high that those individuals could have received specific and careful attention and could have been retained for further interrogation and use by the enemy. Yes, sir.

Senator DeConcini. You have also done research regarding information that you shared with us concerning F-111 pilots. I believe you stated that none were returned in 1973 or prior to that.

What significance, if any, do you place on that, Colonel?

Colonel Hopper. There, again, the F-111 was a very sophisticated aircraft. It was a new aircraft and it was designed as a nuclear bomb carrier. Those individuals had received some very special and highly classified training and education, and I believe those individuals, too, were probably earmarked for retention since we did not receive any of them back.

Senator DeConcini. Your information also points out that none of the released POWs were amputees or severely burned cases or severe mental cases. What significance do you place on that?

Colonel Hopper. Yes, sir. We did not receive any amputees back among the returned POWs in 1973. I think you will have to agree, given the type of warfare we were fighting there, with the high explosives, the grenades, the booby-traps, the high velocity small arms which, when hitting a man, would take off his whole arm or leg, that some of these men would have had to been captured and end up as prisoners of war of the enemy. The same is true of severe burn cases.

I believe you would have to consider the treatment that our returned POW recited to us upon their return and conclude that all men could not mentally stand up to the type of inhumane mental and physical treatment they received at the hands of the enemy. Yet, we didn't get men back that were on that border of becoming vegetables. Let me put it that way very simply.

We did receive men back who had to have treatment, certainly, both physically and mentally, but not to an extreme.

In all probability, Senator, those individuals, if kept and treated, were not released because the Vietnamese and the Lao did not want to expose to the world their very primitive medical capabilities and mistreatment of our American prisoners of war.

Senator DeConcini. Or they might have died.

Colonel Hopper. Or they may have died. But there have been reports since then that there is a group of Americans being held south of Hanoi who are "American war wounded and mentally impaired."

Senator DeConcini. What source is that, Colonel?

Colonel Hopper. That is an intelligence report. I don't remember what agency it came from offhand. I'd have to check.

Senator DeConcini. About when was that dated? Do you know? Or can you supply us any details on that?

Colonel Hopper. About 1978.

Senator DeConcini. I'd like to see that myself, if you can supply us any information to identify that.

[The information referred to appears on p. 394.]

Senator DECONCINI. I know your son is one of the missing. Have you received information from other than Government sources as to his present status or whereabouts? Can you share that with us?

Colonel HOPPER. As I mentioned, from January 10, 1968 he was carried as missing in action by the Air Force and then the Air Force declared him dead in July of 1982.

Following my return from Vietnam and Laos as a member of the League delegation, in September 1982, we had a letter from the Department of Justice. A three man commission of the Federal Claims Compensation Commission had reviewed Earl's case and told us, based upon information provided to them by the Air Force and other agencies, that they determined that Earl was actually captured and was a prisoner of war. However his status remains as KIA—BNR (killed in action—body not recovered).

I'd received some information privately, which I cannot document nor can I say it is absolutely true; but I was told that a team was inserted into the area where Earl was evading. They did find his radio where he had hidden it against some rocks, but they did not find him.

Senator DECONCINI. Along that line, your son was flying in the second seat, I think, in an F-4 plane, and Captain Keith Hall was the other pilot.

Is that correct?

Colonel HOPPER. Yes, sir.

Senator DECONCINI. I understand you have talked to Captain Hall——

Colonel HOPPER. Yes, sir.

Senator DECONCINI [continuing]. And that he has related to you certain information regarding your son.

Can you share that with us, what Captain Hall knows about your son being captured and when he last saw him and what condition he was in?

Colonel HOPPER. The last time Captain Hall knew of Earl was in the aircraft itself just before Captain Hall ejected. Captain Hall ejected first. Earl stayed with the aircraft because he was having trouble with his ejection system. Captain Hall said Earl was not injured by the SAM missile.

Earl's beeper was picked up by other aircraft after Earl was on the ground. The other aircraft established voice contact with Captain Hall, but not with Earl. However, some pilots said they heard a garbled radio transmission which they assumed was coming from Earl.

Captain Hall did not have any knowledge of what happened to Earl after he was ejected from the aircraft.

However, 2½ years later, for some reason unknown even to Captain Hall, he was called out of his cell and was subjected to interrogation by a Vietnamese interrogator. The entire session dealt with Earl—information of a personal nature—was he married, did he have any children, where did he live, where did he go to school, what was his education, what about his parents, et cetera.

But it was strange to us if Earl was dead, why would the Vietnamese have an interest in him 2½ years after his incident? Captain Hall asked the interrogator if Lieutenant Hopper was in the prison camp, and, according to Captain Hall, the interrogator merely shrugged his shoulders and walked out.

Senator DECONCINI. Have you received full disclosure from Government agencies on the status of your son and the details of his attempt to elude capture and can you provide the information?

Colonel HOPPER. As I mentioned, Senator, the information, official information that I received on Earl goes up through the fact that his beeper, his emergency radio beeper, was picked up for 3 consecutive days after shootdown.

The other information that goes beyond that is from a private source which I cannot verify, I cannot document.

I feel, however, that there is more information on Earl because when we were at Randolph Air Force Base for his status of review hearing, there were some classified documents introduced into that hearing which were made available to the three Air Force Board officers—three colonels.

Senator DECONCINI. When was that hearing?

Colonel HOPPER. That was in 1980, I believe. February of 1980, if I recall correctly, because then they declared him dead in 1982. We objected to this, and it's a matter of our status review hearing record that we objected to classified information being introduced into that hearing which was not available to me or my wife or to my civilian attorney.

Senator DECONCINI. And you've never seen that information?

Colonel HOPPER. No, sir.

Senator DECONCINI. I'm going to ask the Chairman if we can run that information down for our Executive session.

I have just one or two more questions, Mr. Chairman. I know time is running out.

Colonel, you've done so much in this area. For what reason, which mystifies me, would the Vietnamese want to be holding Americans today? Wouldn't they really prefer to let them die or kill them and return the remains?

Isn't it high risk, high cost for them or the Laotians to continue to hold Americans?

What do you think would be the motivation for that decision?

Colonel HOPPER. Senator, if we only knew what went on inside of the minds of a Communist oriental, we'd probably have that answer. But we don't know.

But certainly, if you went back into history, you would find historically that Communist governments keep enemy POWs behind. The Russians did it to the Germans after World War II for 16 to 18 years. The Vietnamese did it to the French for up to 22 years. The North Koreans and the Chinese did it to Americans for 2 years and longer after the Korean war.

I think there may have been something worked out between Kissinger and Le Duc Tho that, for some reason, Le Duc Tho held prisoners back as bargaining pawns, not trusting Kissinger to continue with his pledge of $3.25 billion in reconstruction aid. And then Kissinger turned his back on these POWs and did not go back to the bargaining table. Therefore, Le Duc Tho was caught with these American prisoners and held on to them for their future value in negotiations.

I believe they hold them to their own advantage, to impress their own people with the fact that they kicked Uncle Sam out of Southeast Asia and they're still rubbing our nose in the dirt.

I think also, however, they're using them for their own special purposes—possibly maintenance of American equipment and other things. There could be a number of reasons and not just one.

Senator DeConcini. Thank you.

Thank you very much.

Do you think we should offer a ransom for any of those as an official policy?

Colonel Hopper. Senator, I am in favor of taking any action necessary, whether it's ransom or a military operation, to bring our American prisoners home.

Senator DeConcini. My last question, Colonel Hopper, is do you believe that there is a concerted effort or has been a concerted effort by our Government officials, DIA or anyplace else, not to proceed and follow all leads. That they may have participated in some form of covering up of this subject matter and information that ought to be disclosed?

Colonel Hopper. I don't want to use the term "coverup", Senator. But I definitely feel there's been a suppression of information at the various levels. It is obvious, based upon the sworn testimony of Howard, Smith, and McIntire, this has happened.

When you recognize the intelligence system is so compartmented that one individual is working in one area and may not be professionally speaking to an individual working in another area, he will make a personal judgment on a piece of information as not being any good without providing it to the people who could have some use for it.

I think it's in the system. And yes, I have my personal opinion that there has been information reported that has not been followed up and even suppressed because how can you keep refugee reports open and unresolved for 6, 8, and 10 years and not be able either to prove them or to discount them? Is this because of lack of desire, or incompetence, of U.S. intelligence personnel?

That's a case with those 95 live sighting reports. Nearly half of those are 8, 10 years old, or older.

Something is wrong when we cannot take reports and verify the validity of them or discount them. With the sophisticated intelligence capabilities of the U.S. intelligence agencies today, it is ludicrous to continue to say conclusive evidence of live POWs cannot be obtained. Without a doubt in my mind, I believe the human judgment factor enters into it, either intentionally or unintentionally. Either way it is a disgrace.

Senator DeConcini. Mr. Chairman, I have other questions which I will submit because of time.

I want to thank Colonel Hopper for his participation here today.

[The questions and responses appear on p. 456.]

Chairman Murkowski. Thank you very much, Senator DeConcini, and thank you, Senator Cranston, for filling in in my absence.

Senator Cranston. Thank you.

Chairman Murkowski. Representative McEwen.

Mr. McEwen. Thank you, Mr. Chairman.

I would echo the comments of Senator Cranston and Senator DeConcini.

My appreciation for your testimony and commitment to Lt. Colonel Hopper, Jr. I would just express my disappointment that a Colonel in the service of our country at the hearing concerning the disappearance of his son would be denied access to information as an American committed to our security, having dedicated your life to that cause.

I agree with Senator DeConcini. I hope that we can be of some service to you there.

Thank you very much for your testimony.

Colonel HOPPER. Thank you.

Chairman MURKOWSKI. Representative McEwen, I do hope that you will take the opportunity to question the administration as well on that particular point, which I think is quite appropriate.

I'm sorry that I didn't hear all your testimony, but if you could just comment again on the motivation for the alleged coverup.

You indicated you thought it was in the nature of the system, that there were so many compartments.

Do you think it is a conscious subterfuge or is it just the inefficiency of the system?

Colonel HOPPER. It is probably both. I can give you an example.

I have met with some senior officials in an intelligence agency with an associate of mine, a good friend of mine, Colonel Jack Baily, wherein at the meeting information was revealed that had been given, that had been provided to the agency. In talking to the senior individuals, those who were in charge, we found that that information had not been given to them by their subordinates nor had they been briefed on certain specific cases.

Chairman MURKOWSKI. Do you know why?

What would be the motivation?

Colonel HOPPER. I can't answer that. You'd have to ask the individuals, sir.

Chairman MURKOWSKI. I wonder if you have any opinion as to what the motivation might be for withholding?

Colonel HOPPER. I have an opinion and I cannot back it up with fact. But I have an opinion, sir, that this issue for so long was practically nonexistent in this country and because the U.S. Government's position was there are no live Americans over there, in Southest Asia, there are individuals within the bureaucracy who established that position, in fact, at the mid and lower level, and they have maintained it throughout. This mindset may continue. It could be job security or fear of professional embarrassment.

Chairman MURKOWSKI. So the inference I can draw from your testimony is you feel that they may have covered up to save themselves from embarrassment——

Colonel HOPPER. Yes, sir.

Chairman MURKOWSKI. Or that that may be a motivation?

Colonel HOPPER. Yes, sir.

Chairman MURKOWSKI. Would that be a generalization, at least?

Colonel HOPPER. Yes, sir, that could be a possible motivation.

Chairman MURKOWSKI. Thank you very much, Colonel Hopper. I appreciate very much your testimony and I hope you can be with us when the administration testifies before us because we will be asking direct questions as a consequence of your testimony.

Colonel HOPPER. Thank you.

Chairman MURKOWSKI. Senator Jeremiah Denton, a member of the committee, has joined us.

As you know, Senator, this is the second day of our hearings and we would certainly appreciate any comments that you would care to make on a subject that you are so familiar with from your own commitment.

We are moving along with the witnesses, but would give you this opportunity to proceed with your opening statement, if you so desired. Or I can call on you later.

Senator DENTON. Mr. Chairman, I think I would prefer to sense the context of where we are right now and try to make my statement appropriate to that niche

Thank you.

Chairman MURKOWSKI. Fine.

Then I will call upon Mrs. Patricia B. Skelly, Chairman, Task Force Omega, Fairmont, Minnesota.

Would you come to the witness stand.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth? If so, would you please signify by stating I do.

Mrs. SKELLY. I do.

Chairman MURKOWSKI. OK.

We welcome you this morning. We look forward to your testimony.

I have been asked to suspend briefly to accommodate -- I gather there is something wrong with our communication system. At least that was the note.

So if you will just suspend for a moment, so will I, and we'll see if anybody rises to the occasion to do something about a problem that is not our problem.

[Pause.]

Chairman MURKOWSKI. I am also told that the air conditioning is turned off for the winter, not knowing how long winter is going to be.

What I might suggest is that the officer in the back of the room open the door and leave it open.

[Pause.]

Chairman MURKOWSKI. I guess the officer is outside the door, where it is cool. [Laughter.]

Chairman MURKOWSKI. Maybe somebody could open both those doors.

I would address someone in the staff to open up the other door and maybe we can get a little air in here because I know you're uncomfortable.

[Pause.]

Chairman MURKOWSKI. Unfortunately, the windows don't open. I don't know what the reason for that is.

[Pause.]

Chairman MURKOWSKI. I would ask that those coming in be seated. There are a few empty seats available.

We have the next witness before us, Mrs. Patricia B. Skelly, Chairman, Task Force Omega, Fairmont, Minnesota.

Mrs. Skelly, we welcome you to the committee. We look forward to your testimony and you may begin.

STATEMENT OF PATRICIA B. SKELLY, CHAIRMAN, TASK FORCE OMEGA, INC.

Mrs. Skelly. Thank you, Mr. Chairman.

Chairman Murkowski. May I ask you to pull the microphones up a little closer and perhaps you can speak a little louder. Perhaps you can just speak into them a little more.

Mrs. Skelly. OK.

Mr. Chairman and members of this committee, I would like to thank you for the opportunity to testify before you today.

My name is Patricia B. Skelly. I am Chairman of the Board of Directors of Task Force Omega Inc., a prisoner of war organization that is dedicated to the return of all Americans from Southeast Asia, both alive and dead.

During the timeframe that I was the Minnesota State Coordinator for the National League of Families, a small group of us, family members and concerned citizens alike, began research into information available from various government agencies. We collected many types of documents and computer printouts, both not classified or declassified.

Under the Freedom of Information Act, we received some very important computer printouts from the Defense Intelligence Agency and the State Department. We also received computer runs or other information and documentation from National Archives, the Central Intelligence Agency, casualty offices, the Departments of the Army, Navy, and Air Force, Personnel Records Section, Joint Casualty Resolution Center, and the Central Identification Laboratory.

I would like to address some of the areas we have researched and what we found.

Chairman Murkowski. Please do so.

Mrs. Skelly. In regard to the DIA computer printouts, which are from their automated data base, their automated file of everyone who is missing and unaccounted for, to include returnees, escapees, bodies recovered, in addition to POWs, MIAs, those people killed in action—body not recovered, AWOL/deserters, detainees, et cetera, we did an extensive analysis, comparison, of some ten documents received in about a 2½ year period, beginning in 1977 going to 1980.

Based on this research, we found many, many discrepancies within the DIA system. These discrepancies ranged from very simple errors, undoubtedly caused by incompetence or lack of care, to discrepancies of a very serious nature. We found other errors which were caused by negligence and, in some cases, I would consider it to be severe negligence.

This information was compiled into a research document containing 8 pages of questions along with correspondance and the backup comparison information, and was sent to Admiral Paulson, who was then the Deputy Director for Collections of DIA. This research document is dated December 1, 1982.

We have never received any substantial reply to our questions.

In regard to the military service's casualty offices, we have had a very good working relationship with some of them. We learned, through this contact, they do maintain files, but only on men and women who are listed as POW or MIA from their particular branch of service.

The killed in action—body not recovered (KIA—BNR) files are kept in the Personnel Records Section in St. Louis, Missouri. When the casualty offices have to work on an individual's case who is listed as KIA—BNR, they have to request that individual's file from St. Louis. They can have it in their possession for only a limited length of time, and they may or may not receive the entire file. When you consider that approximately 1,100 servicemen and civilians were listed originally as KIA—BNRs—or roughly 45 percent of all official unaccounted for—you have a greater perspective of their limitations and handicap.

In regard to the Central Identification Laboratory, for the last 3 years, they have requested from individual family members copies of their next-of-kin's medical and dental records because the CIL does not have all of them or it has only partial records.

This in itself is critical because this is the organization that is charged with identifying remains when they are returned or recovered. In the case of one man's remains which were returned very recently, the CIL contacted the mother when they learned his remains were reported by the Vietnamese to be returned. The mother did not have access to the medical and dental records, and we have been told by her that the CIL told her they did not have any of his records. The question here is how can the CIL identify remains with partical or nonexistant records?

JCRC, I have recently learned, maintains files on some 3,500 individuals who are unaccounted for. Since the official number is 2,441, I wonder who these other files belong to. I would think it would be worth checking into, and I believe this committee, Mr. Chairman, should do so.

We know there is information maintained in the DIA automated date base that is not contained in the records or data bases of other agencies. We know there is information in the State Department computer base that DIA does not have. In fact, each agency maintains their own files and the information is not shared among the agencies.

Chairman MURKOWSKI. I wonder, Mrs. Skelly, you have exceeded 5 minutes. If you could summarize your remaining remarks, it would be appreciated.

Mrs. SKELLY. I'm almost done, sir.

We believe that, whether it is part of an independent commission or an independent repository, the information located in all these various areas should be combined and that there is ready, easy access for all people who have a need for it both within the U.S. Government and the private sector.

Task Force Omega, Inc., has always worked with, and is more than willing to work with, anyone who is willing to work with us, inside and outside the Government.

I would like to add that we are not and have not been given any clasiffied information.

I am submitting for the record a copy of the research material sent to Admiral Paulson in 1982, copies of the two most important DIA computer printouts, one alphabetical by man's last name dated October 11, 1979, the other one chronological by incident date dated February 26, 1980; the two most important State Department computer printouts, one by home of record and the other by branch of service/country of loss both dated September 11, 1978. I am submitting a fifth computer printout from the Defense Department which is by home of record dated August 22, 1984.

I am also submitting the keys for the State Department and DIA printouts. I believe that you and this committee have a right to this information, but I would caution you that there is information contained in them which is sensitive in nature in that it refers to individuals and what happened, or may have happened, to them and we do not know what the families in all cases have been told. Because of its sensitive nature, we trust that you will handle it in an appropriate manner, as we have for the many years that we have had them.

[The information referred to is being retained in the committee's files.]

Mrs. SKELLY. I want to commend Lt. Col. Howard, Major Smith (retired) and Sfc. McIntire (retired) for their dedication and courage in pursuing live POW information. Their determination to seek justice at the cost of their personal and professional lives speaks very highly for them. We are extremely fortunate as a Nation to have three such capable and caring men serve in our military. Each of them exemplifies the highest ideals of the U.S. Army Special Forces, the elite of our military services.

I also want to commend Scott Barnes for coming forward with his personal first hand knowlege of two American prisoner in Laos. He has placed his life and future on the line for these men. It is our fervent hope that the order to liquidate them was not carried out after Mr. Barnes was forced to leave the area. If these POWs were murdered because they were confirmed to be alive, than those individuals responsible for their deaths should be brought up on criminal charges. This would include the individuals who made the decision to liquidate the POWs as well as those who physically carried it out.

Finally, Mr. Chairman, I want to impress upon you and your committee the importance of the task you have undertaken. Real living breathing American men and women were knowingly left behind at the end of the Vietnam War. They have continued to survive and suffer for the last 13 years at the hands of our enemy. They have names and faces and feelings the same as each of you. They feel pain, fear, hunger, joy, love and hate the same as each of you. It is long past time to bring them home to their families, friends and Nation where they belong. The action you take in their behalf has a direct bearing on their future. Please remember that with each passing day, month and year more of them are dying. It is incombatant upon you to do everyting within your power to help obtain their speedy return home before more of them become remains.

Mrs. SKELLY. Thank you.

[The prepared statement of Mrs. Skelly appears on p. 412.]

Chairman MURKOWSKI. Thank you very much, Mrs. Skelly.

I wonder if you could provide for the record the discrepancies which you feel are significant questions as to the present status of any servicemen that may be unaccounted for?

Mrs. SKELLY. Certainly.

Because time is limited, let me word it this way, there are a wide variety of discrepancies and errors. Some of the most critical discrepancies fall into the category of false information. An example of this is a man who was shot down in 1968. He had an arbitrary status change to killed in action-body not recovered in 1978, based on a presumptive finding of death. The data remarks column on the DIA computer run -- and these are their working documents, by the way -- says, and I quote: "Released, 25 September, 1972."

I know the man's family. When we uncovered that information -- and it was just really by an accident that that it was found -- I called his wife and I asked her what she knew. I told her what we had uncovered and apologized for discussing it with her over the telephone rather than in person.

He was never released to her knowledge, he was never returned to this country alive, and he has not been accounted for.

Chairman MURKOWSKI. Can you identify the circumstances so that we can request that information from the administration?

Mrs. SKELLY. Yes, sir. It is in the research material. His is one of the cases outlined.

Chairman MURKOWSKI. Well, we are not going to have time to pull that out for ourselves.

Mrs. SKELLY. I would be happy to provide the name for you.

Chairman MURKOWSKI. Do you care to provide it for the record at this time?

Mrs. SKELLY. Yes, sir. It is Col. Allen E. Fellows, Air Force pilot shot down in Laos on March 20, 1968.

Chairman MURKOWSKI. And there's been no accountability of any kind——

Mrs. SKELLY. No, sir. I finally did get a verbal answer from a DIA staffer regarding this case. He said the information in Colonel Fellows' data remarks column was "just a computer error". My point in this particualr case is if an analyist were looking at this memory jogger in the data remarks column, to instantly recall the man's case, and he read a comment saying "released 25 September 1972", then he is not going to pursue any other information since the individual was "returned" and therefore no longer of interest to him. To me this is severe negligence.

There are people who should show up in the computer printouts because they are unaccounted for, but who do not.

Mrs. Ruth Brellenthin testified Tuesday. Her husband's case is a classic case. Other such cases include:

Dr. Larry Ward of Food for the Hungry International has a picture of a man called Johnny King which was taken in Saigon sometime during the last few years. He claims to be an American who the U.S. Government states it knows absolutely nothing about. This man may be of Mexican or Asian decent and can reasonably blend into his surroundings on those rare occasions when he ventures out of his hiding place. Dr. Ward can provide this committe with indepth information about Johnny King along with what has and has not been done to help him.

There are two women who are reported to have been passengers in jet aircraft which were shot down. One was in Laos in February 1965 and the other one in South Vietnam in late 1967 or early 1968. Neither woman appears on the official list of Americans unaccounted for, but the declassified reports of their incidents, and in one case her imprisonment, leaves no doubt of their status. I am submitting this intelligence document dated April 17, 1971 and declassified on October 26, 1978 for the record.

Another woman who does not appear on the official list of unaccounted for is Susan Olson, a nurse who was captured by the Viet Cong during the 1968 Tet Offensive at Ban Me Thuot. I am submitting Report No. CS-311/03418-69 dated April 15, 1969 and declassified April 5, 1985 for the record which outlines her capture and possible fate.

The two men who were captured during the same timeframe and held in the Darlac detention camp with Susan Olson are Henry Blood and Michael Benge. Both men were civilians. It is of interest to note that Mr. Blood is listed on the PRG list as having died in captivity in July 1968 and Mr. Benge was released by the PRG on March 5, 1973 during Operation Homecoming. It is unknown whether Susan Olson was a military or civilian nurse, but her capture is undeniable.

Capt. Robert P. Rosenback was an Air Force pilot flying an F100D when he was shot down on March 5, 1970 in South Vietnam. His data remarks read "690719 Rems Recov-690731 Id'd" (July 19, 1969 remains recovered-July 31, 1969 identified). The question, Mr. Chairman, is how can a man's remains be recovered and identified nearly a year before his loss incident? As in the case of Colonel Fellows, no analyist will pursue this man's case any further based on reading these remarks since it indicates he is accounted for even though in reality he is not.

There are many, many other such cases. The 8 pages of questions posed to Admiral Paulson need to be investigated by this committee since they document the wide variety of errors found in DIA's records as well as how this vital issue has been handled and mishandled by them. These errors include, but are not limited to, name, incident date, status and data remarks discrepancies. We find it ridiculous to have an individual's name spelled one way on some printouts and another way on others or an individual's incident date given as one date on some printouts and given as another date on others. These are basic fields of information which should remain constant regardless of any other considerations.

The number of Americans caught just before, during, and after the fall of Saigon is of particular concern to us since the number of individuals is substantially greater by the DIA records than they verbally acknowledge. There is also no way to determine which of these Americans really were returned to U.S. control, and which ones remain in jeopardy. Their fate is as of interest to us as those men and women lost during the war, and should also be the same for you.

Because no Government agency currently maintains complete and accurate records on every man and woman who is unaccounted for in Southeast Asia, either officially or unofficially listed as such, it is our conviction there needs to be an independent repository for all files, information and documentation about every individual regardless of his or her status. This independent repository should be charged with the responsibility of gathering all material from every military and civilian agency, and to compile that material into usable form with ready access by all who have a need for it. This access should extend to the private sector as well as to the Government agencies. As it stands now, with the various agencies maintaining incomplete records and not sharing what they do have with each other, it is not possible for anyone in our Government to stipulate with a surety that he knows the fate of anyone who is unaccounted for today.

On Tuesday Mrs. Griffiths said the families have the most to gain or lose in the accounting process. She is wrong. The men and women who have the most to gain or lose are those who are prisoners, missing and unaccounted for. The rest of us really don't matter. The are the ones who matter and they have the most to gain or lose by our efforts. The POW issue is of vital importance to our entire country because our national honor and reputation are at stake. The United States has always prided itself on caring deeply about the physical and mental well being of its citizens. Over the years this great Nation has diligently protected the rights, health, and happiness of its citizens. Our fellow countrymen who remain hostages in Southeast Asia today deserve no less than the rest of our populous. They honored their commitment honorably and faithfully during this Nation's most unpopular war. Our Government has a like commitment to them which has not been honored. Don't you think, Mr. Chairman, it's time for "Liberty and Justice for All?"

Chairman MURKOWSKI. Can you tell me if your particular organization, representing Task Force Omega, how it works with or is in deference with the League of Families?

Do you operate in a different area or do you complement one another or do you have substantial differences?

Mrs. SKELLY. I think we complement each other. We do have differences including philosophic ones.

The League of Families' membership is comprised solely of individuals who have a family member unaccounted for or who themselves were a prisoner or war in Southeast Asia. Task Force Omega has an open membership to all Americans. We are deeply involved in research and analysis of POW/MIA related date which is collected from a wide variety of sources including the U.S. Government. The results of our work is shared with other individuals and organizations. We are a flexible, aggressive organization willing and capable of pursuing the fate of our countrymen by all viable and appropriate means to insure their return in the shortest time possible. Further, we do not believe the U.S. Government is exhausting all its resources to bring our people home. We have heard from President Reagan and his administration how the POW issue is of the "highest national priority," that "all intelligence assets are fully focussed" on this issue and that "our long vigil is over."

This rhetoric and so much more has been uttered by our officials for so many years now with no results other than a few sets of remains returned randomly that we no longer believe in it. It is also painfully obvious that our Government will only act to return our live POWs when they are forced into it.

We consider all unaccounted for Americans to be prisoners of war regardless of their status because if they are alive, they are held captive; and if they are dead, their remains are being held hostage therefore they, too, are prisoners.

We will work with anyone, and we do work with the League of Families on certain thing. We definitely work with family members, State and regional coordinators, and will continue to do so. We coordinate with some members of the League's Board of Directors on a regular basis and with their national office when possible.

Additionally, we work very cosely with other POW organizations. They share our deep concern for all missing Americans, and none of us will stop our efforts until we have all our POWs home—both alive and dead. The leadership of nearly all the national organizations meets frequently to coordinate activities and share ideas. Through this unity much has been accomplished, notably a marked increase in public awareness of the live POW issue.

We are also willing—and I want you to fully realize this—we are willing to work with any of the Government agencies, but we wish it to be a two-way street, not just a one-way channel with all information going into these agencies and nothing being returned from them.

Chairman MURKOWSKI. Thank you very much. I very much appreciate your testimony.

I would call on Representative McEwen and then I'm going to call on Senator Denton to question the witness.

Mr. MCEWEN. I have no questions, Mr. Chairman.

Chairman MURKOWSKI. Then I will call on you to make your opening statement. Do you have any questions, Senator Denton, of the witness?

Senator DENTON. No. I'm ready to make the statement.

Chairman MURKOWSKI. Then I would excuse the witness and I would call on Senator Denton.

Our next witnesses after Senator Jerry Denton's statement would be Representative Gilman and Representative Solomon, who I believe are here.

Senator Denton, please proceed.

OPENING STATEMENT OF SENATOR DENTON

Senator DENTON. Thank you, Mr. Chairman.

I regret not having been able to be here the day before yesterday.

As you know, we had conflicts today, but I did want to be here. I have read the testimony from the day before yesterday, and I commend you and the others for your interest and leadership in taking the initiative to hold these hearings.

I want first to recognize Colonel Robert L. Howard, an Alabamian, who wears our nation's highest decoration, the Medal of Honor.

I commend him for his distinguished service to our country and I join with all of us in welcoming him here.

I would like to make a few remarks.

I have no particular advantage in intelligence – that is, my own intelligence, my brain – but I have had a long background of involvement in this problem, which began well before I was shot down. Our government was curious, relatives, wives, mothers, fathers were interested back in the early 1960s in finding out and getting accountability for those who were shot down, captured, or otherwise missing in Southeast Asia.

I was involved in that to a degree.

I had to attend a survival school, survival-escape-rescue-evasion school, at which they gave us classified information. There was a dearth of good information about the treatment of the prisoners and a lot of unknowns even at that time.

Since that time, my wife and I and many of my friends have been heavily involved in this. My interest in it has not diminished because I have been fortunate enough to return to the United States. It has been increased.

But I want to try to give a slant on it from my point of view because it is long-standing and perhaps will contribute to more progress than we are now making in achieving what we want – accountability.

The most undeniable feature of the POW/MIA issue was and remains emotionalism. That was in my case, my family's case, everybody else's case involved.

That servicemen may still be alive in Vietnam is enough to cause emotional heights to be reached by many people. And even the most dispassionate Americans, whatever their side – anti-war or support the war – during the war were united in that concern.

Now we have catalysts to increase the concern of those who are left holding the bag, as it were. The war is "over," yet we continue to hear reports of the sightings of male caucasions, discovered dogtags, uncovered bone fragments, that add to the misinformation and information that have, together, confused the issue from the beginning, particularly the beginning at the end of the war.

In an attempt to sift through that mass of information even before the war was over, Congress started establishing commissions and many visits have been made to North Vietnam, some before the war was over, by officials of this government, some of them not very tasty missions, in my belief.

But since that time, a number of very constructive efforts by Senators and Representatives have been made. They go back to Sonny Montgomery and others many years ago. Recently Chairman Murkowski and Senator DeConcini were among those interested, effective lawmakers who tried to contribute to the solution of the problem and did return with two young children who were reunited with their mother, for which we can rejoice.

I commend their efforts and some of their results.

Now, I did live in the Vietnamese Government environment for almost eight years, and I am a student of international affairs by training since high school. I am interested in it and I would make these remarks.

The Vietnamese communist government is patient. The Vietnamese communist government is unscrupulous, including having a great propensity to lie and a great propensity when they are pressured to produce something, to ask questions like Stalin asked. Stalin, when asked to desist in his persecution of the Catholic Church, asked "How many divisions does the Pope have?"

Their cooperation with our effort is going to depend on what leverage we have to bring to bear against the Vietnamese communist government. I believe that, in order to achieve that leverage, it would not be useless for us to muster the emotionalism, the resentment against that government, which is not accounting for our people. Because, as unscrupulous as they are, they are not so stupid as to ignore the significance of the development of broad resentment against them. Because they have to contemplate, aside from that resentment, whatever form U.S. pressure will take.

They have to think about that. It can be economic, it can be diplomatic, it can be psychological, it can be aid that the United States musters from others or from itself to some of those who they are still overrunning in Southeast Asia, at the behest of the Soviet government.

Their nation is getting tired, economically, emotionally. There are anti-war songs in North Vietnam now. There is still a shortage of rice in their bellies.

Those people have been driven into combat for perhaps longer than anyone in modern times.

I can tell you that, having visited Hong Kong last year and looked into the refugee situation, the boat people situation -- which is, indeed, a sad thing to contemplate and to examine -- in the U.N. camps I learned from our young representative with the State Department that in 1984, 49 percent of the boat people reaching Hong Kong were from North Vietnam. A substantial portion of them were from the Vietnamese Army.

The stories those people have to tell about what is going on in their country are being unpublicized because they are sitting in camps in Hong Kong very much like concentration camps, some of them long enough to have four and five year old children.

The U.N., for some reason or another, is not making those people accessible to Western correspondents, if the Western correspondents are interested.

But there is a very interesting story going on which could be used in relevance to this to generate some resentment.

I bring that up because we didn't sustain enough unity in a war in Vietnam in which four presidents said we would save the freedom of the people of South Vietnam, no matter what it took. We didn't sustain the unity to keep the leverage applied in spite of the sacrifice of almost 60,000 American servicemen dead, in spite of the sacrifice of many tens of millions of dollars per year in our budget, against a tiny, little country.

Why? Because we didn't have the unity. We didn't maintain unity. We hated one another. We hated our country. We burned our flag. We despised our authorities. We did not respect them.

I don't think our leaders deserved all that disrespect, and I have as much to bring against some of the stupid things that were done during that war as I believe anyone does.

But we lost our leverage, so we lost the war, even after the military achieved a military victory. That war was won in the sense of militarily breaking their will.

Why did we lose it? Because we didn't keep the unity, therefore we didn't keep the leverage, and therefore we lost the war politically, after winning. We lost the peace after winning the war.

So, what I'm saying, is although I believe the President has followed an appropriate and effective policy and I support him, I agree also or acknowledge that there are limitations to the success of that policy. That policy can be improved, I agree. And our efforts improved. But I say the key to the improvement depends upon improving solidarity, bipartisanship, and embracing the Legislative and Executive Branch.

I am encouraged to see members of the House, here this morning, as well as members of both parties, engaged in dialogue with these witness who have good cause to come before Congress.

So, if we are going to reachieve enough unity and leverage to get them to account for our prisoners, we're going to have to come from a place where we couldn't achieve sufficient unity and leverage to sustain the pressure required to achieve the victory which our military had won, to stop the enslavement of millions of more people besides the South Vietnamese.

How do you think we are going to get the leverage to get accountability for prisoners when they're going to lie through their teeth to you about it? We haven't got anything to bring to bear against them. That's all they listen to -- leverage. "How many divisions does the Pope have?"

So all I'm going to pray for, as a basic thing, is that we have some sense of the desirability of achieving understanding with one another, developing knowledge.

You, our witnesses have complaints that I fully understand and I don't blame you for venting frustration. But, let's remember, this isn't a really crooked government. Can you really believe that President Reagan is not interested in bringing those men home? I don't. I think he was one of the most emotionally involved people about that and remains so.

But he is relatively helpless. And one of the features of helplessness is the lack of unity which would provide him the leverage to do the things required to get those people to account for our prisoners.

So I ask you to realize that, no matter how strongly you feel, our paths mutually must try to come together. I pray that that's what will happen.

That's the only way we're going to achieve success in this.

My hopes and prayers and efforts remain with the families of the MIAs and with those who are their friends and so on. They deserve our best efforts. I say unity is the only way to achieve that.

I have to respond, Mr. Chairman, in closing to a mention made of my office the other day by Major Mark Smith, who said that he approached my office and that they more or less brushed him off, telling him to go to the National League of Families.

My recollection of his letter was that it dealt with his problems in staying in the Army because of failure of being selected for promotion. He attributed some of his difficulties to reaction against his intelligence gathering activities. I had no way to find out the validity of his charges. And if my sons -- and I had a son ask once that I help him with something or other in the service -- I don't do that. In the Navy, they put a big "PI," that means "Political Influence," there, and I'm not about to do that. I wasn't about to do it for Major Smith any more than I would do it for one of my sons.

So I told him I just couldn't do that.

But as far as saying I wouldn't cooperate with him about knowledge about the POWs, I never did that and I want to get the record straight on that.

Now we do have thousands of people who approach me on this subject. I can't see them all for as much time as they want. But if you can put information together in some kind of way that we can read it, carefully put it together, I'll read it all. It's one of my greatest concerns.

Again, Mr. Chairman, I have noted personally, not just professionally, your deep interest in this. I know your own tearings of direction. I know that you and Senator DeConcini, from what I've heard, have found areas of disagreement and so on. I don't deplore those because we can, if we remain good-willed, advance from scuffling to the achievement of understanding, of knowledge, and the gathering of knowledge.

I hope we will try to keep the goodwill required to get unity because that's the only way we're going to get leverage, that's the only way we're going to get accountability.

I'd like to see our guys come home that are alive, and I'd like to see accountability, and I would like to see a psychological pressure at least which would relieve the plight of other human beings who may not be of exactly our color or our nationality, but who are suffering, who are on the pipeline in the Soviet Union as slave labor, who are in reeducation camps. They are human beings.

If we are Christian, Jew, or Moslem, we ought to care about them.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator Denton.

We very much appreciate your testimony and your particular insight is a very valuable one from the standpoint of the examination of this record.

I'm going to call on two of our House colleagues who have been with us intermittently as we have proceeded with the hearing: Representative Gilman from New York and Representative Solomon, also from New York.

You may come up individually or share the witness table, as you see fit.

I would ask that you rise, as other witnesses have.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth?

If so, please signify by stating I do.

Mr. GILMAN. I do.

Mr. SOLOMON. I do.

ChairmanMURKOWSKI. Thank you.

Gentlemen, I would ask that you proceed, and we welcome your testimony.

STATEMENT OF HON. GERALD B.H. SOLOMON, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. SOLOMON. Thank you very much, Senator and Mr. Chairman.

At the outset, let me just say that I feel like tearing up my testimony and just saying I concur with every single thing that Senator Jeremiah Denton has just said. He said it all and he said it the way it should be said as far as bipartisanship. That's what we really need.

Senator, I just admire you greatly. I have in the past and I admire you for the statements you just made.

I would also like to say to you, Senator Murkowski, that next year I will be the Ranking Republican on the full Veterans' Affairs Committee and I have enjoyed working with you so much in the past, and next year, particularly on this issue, I'm going to look forward to pursuing it with every bit of vigor that we both have.

I greatly appreciate the fine job that you've done. I especially appreciate the invitation that you extended to House Veterans' Affairs members, particularly to our colleagues, Bob McEwen and Mike Bilirakis, who did accompany you on the trip. So, again, I thank you for that.

I will try to be as brief as possible.

As Chairman of the House Task Force on American Prisoners of War and Missing in Southeast Asia, I have had the opportunity to closely follow the administration's strategy, Vietnamese responses, and U.S. domestic reactions. In that capacity, Mr. Chairman, I would point out that the Task Force on POW/MIAs is an adjunct to the House Subcommittee on Asia and Pacific, on which I serve, along with Congressman Solarz, who is the Chairman of that subcommittee.

Congressman Solarz and I have just gone through a rather bitter hearing on the Philippines, on which he and I see eye to eye on nothing. But on this issue I just want it for the record to be stated that Congressman Solarz has done an outstanding job with his committee on this POW/MIA issue. I want to commend him and also speak for him in a bipartisan manner here today.

Mr. Chairman, our task force has held open and closed hearings. We have met with foreign officials. We have been briefed on sensitive negotiations after delegation meetings with the Vietnamese and the Lao. We have met with those who have alleged conspiracy and coverup, and we have conducted a year-long investigation into such charges.

This issue, charged as it is with great interest and emotion, brings with it some of the most unselfish and caring behavior that I have seen. It has also brought with it a minority, some of which prey on emotion for perhaps personal, perhaps financial, or even political gain.

I emphasize the word "minority," because I believe it is important for all of us to recognize that those exploiting this issue are, in fact, a minority. Some certainly, though, I don't think know what they are doing.

However, they are loud and they attempt to capture the media's attention with controversy and may, in fact, have a vested interest in seeing that current progress be stalled or muted. I hate to say that. But I think maybe it needs to be said.

Their irresponsible approach to this very serious issue has made simplistic proposals seem appealing at times, even to me. Most of their solutions assume that this is a domestic problem that we can solve here in the United States, instead of it being a foreign problem, as Senator Denton has so articulatedly pointed out.

The answers, however, lie not in the United States; they lie in Hanoi—a distant and seemingly impenetrable nation.

So, action-oriented as we Americans are, appeals for special permissions, for investigations and for private cross-border forays provide an avenue to vent our frustration. But these options will not solve the problem, as they ignore Hanoi's role in the solution.

Again, as Senator Denton has pointed out, if anything, they may even jeopardize progress that has been made, and there has been significant progress made.

These approaches, as appealing as they are to some, will never match the well-developed strategy of the Reagan Administration which, by the way, is finally showing real results. From a dead start—I consider it a dead start in 1981—we have seen tough, tenacious, and, until recently, very quiet negotiations pursued by the United States Government.

We have seen the Defense Intelligence Agency POW/MIA operation grow from almost a caretaker operation to a full-time special office, staffed by nearly twenty talented experts. We have seen similar growth in our Joint Casualty Resolution Centers in Hawaii and Asia.

We have also seen the cooperation grow between the government and the National League of Families in the kind of spirit that only serious efforts can spawn. I take my hat off to the National League of Families. They have been totally cooperative and really have given us that spirit that we need to accomplish what we, the Senate and the House, have been able to do, over these past few years.

Recently, we have seen agreements reached for joint crash site excavations in both Laos and Vietnam. We have seen the accelerated return of the remains of our missing, and two-way dialogue on our highest priority, which is the live prisoner issue. That's something that we have accomplished, and I think that's a great start.

Finally, we've seen for the first time a public commitment by Vietnam, to try to resolve the issue in two years. That's a tremendous accomplishment. I credit you, Mr. Chairman, for having brought us that far.

Those who charge conspiracy and coverup in such an environment are not seeing or hearing the historical importance of things that are happening around us. Skeptics on the live POW issue ask why would Hanoi hold them? Why would they hold our prisoners?

I think the real question is why would the Reagan Administration not want them returned? Why would a man like Ronald Reagan, one of the most patriotic individuals that this country has ever known, why in the world would he not want them returned?

The answer is he does want them returned with every bit of strength that he has.

I can think of few greater successes than the return of even one man who may still be held captive in Indochina.

The idea of a coverup is absurd on its face. An administration who wishes to cover this issue up would hardly take the actions we have seen to resolve this question. It is absurd from a practical standpoint.

Can anyone believe that Vietnam veterans and returned POWs who today saturate the Defense Intelligence Agency—most of them were prisoners of war themselves, are Vietnam veterans—why in the world would they pursue this issue for the government where they would allow a coverup to happen?

That is totally absurd.

I know every single one of those men. They are patriotic Americans. They are like all of us here today. They would not cover up an issue like this. It's a terrible thing to even suggest.

It is also absurd from a substantive standpoint. I mentioned earlier our House Task Force investigation. These coverup charges did not hold water when we started; they do not hold water now.

I think it's time that those making such charges join this national quest to return our missing men to this country.

I think national unity on a bipartisan basis, backing President Reagan's efforts, the first strong efforts we've had in years, I think that sends a powerful message to Hanoi. That's the message they want to hear. Divisive tactics, irresponsible charges and simplistic solutions that make us appear impatient also send a powerful message, a message that the Vietnamese people saw during the war. Let's don't send that message again.

That was a terrible situation, when we Americans did not stand together. Let's don't do that again.

Those perpetrating such divisiveness, regardless of their intentions—and many of those intentions are good, and I've opened my office and I've talked to many of those people—must remember that the responsibility that entails and that the final history of this issue will include their role.

Let's cooperate.

Finally, I hope the national media will begin to scrutinize closer the assertions made by some of those who have appointed themselves as the guardians of this issue. Ask them the hard questions, as this committee is doing and as I am doing.

Finally, Mr. Chairman, I would urge you to finish these hearings by listening closely to the official testimony that will follow this week on the charges that have been made.

There is a story to be told, but it hasn't been told yet.

Again, Mr. Chairman, I just want to take my hat off to you and the committee and to my colleague, Ben Gilman, who serves as co-chairman of this task force, for the outstanding job that you have done. I really believe that we've made some progress, and I hope to God that we continue and that we bring home any living Americans that are over there now.

Thank you very much, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, Representative Solomon. I think your testimony appropriately outlines the intent of the Senate Committee in initiating these hearings, and I very much appreciate the in-depth analysis that went into your statement. I, too, look forward to working with you, sir, in the future.

Representative Gilman, we await your statement. I think you gentlemen perhaps should exchange seats, because otherwise the microphones may not be able to pick up Representative Gilman's statement.

Thank you very much. Please proceed, Representative Gilman, from New York, of the 22nd District. We only have one district in our state, so I occasionally overlook the significance of that.

STATEMENT OF HON. BENJAMIN A. GILMAN, A U.S. REPRESENTATIVE FROM THE STATE OF NEW YORK

Mr. GILMAN. And it is a large district.

Mr. Chairman, we thank you for the opportunity to appear here today, and I want to thank the members of your mission that went with you to Hanoi to explore the issue further and to bring back to us a further optimistic message that we can move even further in the direction that we are all seeking, and that is a full and final accounting of our missing.

Our Committee has traveled to Hanoi on a number of occasions, and when I served on the Select Committee of the Missing in Action, we went, and on each one of those occasions in the past we were lectured about our role in the conflict in Vietnam and in Laos.

It is encouraging to hear in more recent days instead of lectures that you are receiving information and more of a cooperative attitude than we have had in the past.

I want to associate myself with the remarks of our distinguished task force chairman, Mr. Solomon, who has led our Committee over the past year as a part of the Subcommittee on Asian and Pacific Affairs in our House Foreign Affairs Committee, where that responsibility has rested ever since the Select Committee on the Missing in Action went out of business in the late seventies, something that I criticized as being premature, but we were pleased that our House Foreign Affairs Committee picked up the gavel and went forward with this issue and has since addressed it continually since the late seventies.

I commend your Committee for continuing in this effort in the Senate, and I certainly want to commend our colleague, Mr. McEwen, for his efforts on the Intelligence Committee in trying to address that matter in every possible avenue through our intelligence agencies.

Additionally, Mr. Chairman, I would like to take a moment of the Committee's time to call your attention to the sterling bipartisan approach that has been mentioned not only by Senator Denton but also by Mr. Solomon. We have a bipartisan Committee, of course, in the House, and our chairman of our Subcommittee on Asian Affairs, Mr. Solarz, who is one of the leading members on the other side of the aisle, has performed his responsibility on this issue in a remarkable and outstanding manner, and has continually pressed and pushed our task force to conduct further in-depth inquiries on every issue that comes before him.

I want to commend, too, the National League on Families of the Missing in Action, who have done such good work in the past years and have been an inspiration to all of us to continue in our efforts, and have provided us with information, and I would like to urge all of those witnesses who have come before you and indicated they had additional information and wanted to go into executive session to provide that information.

I would hope that any information they have or should come upon in the future, that they would not wait until there is a public hearing to divulge it, but would present it to us so that it can get into the hands of the proper agencies to make a full and thorough investigation so that we can help resolve this very painful and troublesome issue, and the Senate can rest assured that the House will not rest on this issue as long as our present chairman is fully responsible for conducting this investigation.

I have been continually involved with the issue since first coming to the Congress in 1972, at which time our American involvement with the Southeast Asian conflict had not yet ended. Over the years, our greatest obstacle, of course, has been apathy, the apathy of Americans and of past Administrations that sought to put our involvement in Vietnam behind us, and the apathy of new generations that do not have a proper awareness of the MIA/POW issue.

In the past year or two we have been confronted with a new obstacle, that of oversimplification. Some of our citizenry who upon the most part are well-meaning and patriotic do not have a full appreciation of the complexity of this highly important and sensitive issue. Fanned by the sensational Rambo creations of Hollywood, too many are convinced that most of our missing who may be alive and being held captive against their will, that all that is necessary to rescue them is a small team armed with adequate firepower.

Unfortunately, too many Americans do not draw the line between Hollywood fantasy and the stark reality of the complexity of this kind of issue.

Mr. Chairman, for the first time since the close of the Southeast Asian conflict, we have an Administration that is giving this issue the high priority status that it fully deserves. During the past year more progress has been made toward resolving this issue than at any time since the Vietnamese conflict.

In February, 1985, an American-Lao technical team was allowed to excavate the Pacse crash site in Laos. That resulted in the repatriation of some 13 sets of American remains, the first excavation of its type. In addition, the survey has been undertaken at the next site, which will soon be jointly excavated.

The Laotian negotiations which are bearing increasing fruit have resulted in pledges from the Lao government for multiple excavations and unilateral recovery efforts.

In the January 20th, 1986, issue of Newsweek there was a good summary of subsequent developments in Vietnam, and I quote: "Last July, Foreign Minister Thach of Vietnam set a two-year timetable for settling this issue. Since then, Hanoi has repatriated more than 30 sets of remains, and has staged a joint excavation with the United States. Last week it said it would handle information on 50 more MIA's in February.

"In turn, Washington promised more details about United States crash sites. Both sides agreed to make the number of technical meetings, previously set at six per year, openended. The Vietnamese also vowed to keep looking into reports of live Americans, something they agreed to last year."

The next technical meeting between Americans and Vietnamese representatives is, as you know, Mr. Chairman, scheduled to take place at the end of February. At that time we anticipate receiving reports from the Vietnamese on the 50 additional cases of missing Americans that they talked about.

In their desire to improve relations with our own nation, and in keeping with their self-imposed deadline of early 1988 for a resolution of this issue, the Vietnamese are now cooperating in response to the hard, insistent line that our Administration has taken on this issue.

Our POW/MIA technical team has reported recently that although Hanoi still reiterates their denial of the existence of Americans in their nation, they are now willing to investigate any reported sitings which we call to their attention. That certainly is a significant change in their policy and a major step in accelerating the dialogue in accounting for any prisoners.

In the past, I recall turning over hundreds of files in the Vietnamese language and the Laotian language, and not getting any response at all from either one of those governments, and today we are getting an indication of a cooperative effort.

Mr. Chairman, over the past 14 years in our work on the former House Select Committee on the Missing as well as on our work on the House task force, we have met with countless families of the POW's and MIA's. We have met with former prisoners. We have met with families who did not know the fates of their loved ones. We took up the issue with communist officials throughout Indochina who so often in the past responded, as you know, in a cold and heartless manner.

We also had to deal with the officials of prior Administrations who sometimes lost sight of the goal of accountability in their endeavor to sweep the issue under the rug.

I believe, Mr. Chairman, that our House POW Task Force and your Committee speaks out for a majority of our colleagues in both House and Senate when we state that we do not intend to give up our quest for an accounting until we receive conclusive proof that there are no Americans left alive, and we do not intend to cease our efforts until we have the fullest possible accounting of the more than 2,400 American heroes still either prisoner or missing and unaccounted for in Southeast Asia.

However, those of us in the Congress who are concerned with the issue must recognize that the Hollywood Rambo initiatives are fantasy, that the ultimate resolution of this issue must come about by way of government-to-government negotiations, and not through any private mercenary initiatives. It is incumbent upon us at this very sensitive time, when we are beginning to open a door in our negotiations, to let Hanoi know that we stand firmly behind our Administration in its determined stance at the negotiating table.

While Rambo may be a pleasant way to spend a rainy afternoon, the POW/MIA issue is far too important to the families of the missing, to our nation, to be relegated to fiction and to fantasy. I commend Senator Denton for his call for national unity.

Mr. Chairman, I submit that the time has come not to ask the President to get behind us, but for us to get behind our President and our Administration in seeking a full and final accounting.

Thank you, Mr. Chairman.

Chairman **Murkowski**. Thank you very much, Representative Gilman. I would like to compliment both you and Represenative Solomon. I think that you have given the American people reassurance that their responsible elected officials have through diligence and perseverance examined to the very best of their ability the issue, and are proceeding in a responsible manner to resolve this.

I could not help but reflect on your comments, which certainly reinforced the position that our particular Congressional delegation, which was a bipartisan delegation, representative of both the House and Senate Members, went in with. We went in with a commitment of our Administration that we assume there are living Americans in Southeast Asia being held in an unknown capacity until we have evidence to indicate otherwise.

When we came back, I think it fair, and representative McEwen is certainly free to elaborate, but I think it is fair that we felt progress had been made in the governments of both Vietnam and Laos indicating cooperation on the issue of the remains, the fact that we would be allowed to have a presence over there in the excavation, that the two-year work program was going to proceed, that the February meeting would be held, and Foreign Minister Thach personally advised us that he had not up until that time accepted nor given notice to our government through Secretary Armitage that the meeting was on. He in effect said, you can tell them the meeting is on, and gave us encouragement that an unknown number of remains would be turned over at that time.

It was very difficult to get any specific accounting. The indications were that there were 50 instances that had been communicated around the countryside, but obviously the information system in Vietnam is not one that is very reliable, but it was certainly an encouragement with regard to the progress that was being made.

The same thing was true in Laos, where we were advised that now that the dry season had begun, that there were two sites, and they would proceed with a program for excavation. One has to question the motivation of what those governments want, why they are cooperating, but I think rather than lament on motivation, we should move as rapidly as possible with dispatch and get those remains as rapidly as possible, because we all suspect wha their ultimate motivation might be.

I also sensed when we were given an opportunity to talk to the media the feeling, which we certainly shared as well, of disappointment inasmuch as we did not get any general encouragement on the issue of live sitings. Now, I am speaking of my own analysis. It was an honest assessment, and as a consequence I felt compelled to communicate that to the American people through the media.

I can understand there was a bit of a reaction that I sensed that that is not what people wanted to hear, and I went over there, and I think my colleagues went over there wanting to hear something positive that we could report to the American people on live sitings.

Naturally, when you are subjected to the litany of a government and government representatives, why, you take that with an appropriate grain of salt. On the other hand, the British ambassador, as I indicated in my opening testimony, had been kind enough to set up a private breakfast for us in Hanoi, and during that time we had an opportunity to converse with ambassadors from France, from the Netherlands, from Germany, Italy as well.

There were six of them there, and we had a very open discussion, trying to get some encouragement. They indicated that they had access throughout the countryside. They did not dismiss the possibility that there were Americans being held, but they had nothing encouraging to communicate to us, and we were there to try to find something encouraging.

I think that again that is something the American people should hear, not that we take issue with the belief that there are living Americans. It is simply the reality that we did not receive anything substantive. And I am suspicious, as is my colleague, for the rationale of why they will not allow an independent organization such as the UN or the Red Cross to come in and do the monitoring.

What they did say, and we heard it at least on two occasions during the enunciation from Foreign Minister Thach that if you do not believe me I will take you out, and he pointed to Representative McEwen and Bilirakis and DeConcini. He said, I will show you that there is nobody here. Well, you can take that with a grain of salt, too, but he went out of his way to make that statement.

These things are neither here nor there. They are just a reporting of what we saw and what we heard. I think we continued to ask, well, if they will not let independent agencies in, they must be hiding something, and I think that is a most appropriate conclusion, but the facts are, we should concentrate, as you have pointed out so explicitly, on where the progress is being made, expedite those remains, continue to push for whatever possible resolve we can make on the live sitings.

Of course, that is the purpose of these hearings, to get that information, to address it with the Administration, to pursue on a government-to-government relationship a followup. They have indicated to us, and we take this with a grain of salt, that if there is evidence submitted to them, they have indicated they would follow up, follow up to members of our Committee as well as through our government.

So that is where we are currently, and they indicated as far as illegal entries into their country, and they had some information, and I have no idea whether it is official or through our government, that four Americans had entered their country, Vietnam, illegally. They had combed and communicated throughout the countryside. They had no knowledge that they were in the country, but they were alerted for them, and if they were caught they would be apprehended.

Obviously, we do not encourage American citizens to do illegal acts, but we have no control over them when they leave our country, so these are the facts for the American people to evaluate and judge, and I think we can look forward to the Administration's response to the very legitimate questions that have been brought up during this hearing process and will continue to be brought up, but I very much appreciate your testimony, gentlemen. I think it is right on target of what we are attempting to accomplish collectively bipartisan, and that is a resolve for the benefit of all Americans, and particularly those families.

I will never forget the day I was at Arlington Cemetery at the memorial last year put on by the children of the MIA's, and one young woman, she was not a girl any more, she was a young woman, came to me and said she had been coming to that ceremony for seven years, and she did not want to come back next year. She wanted a resolve one way or another.

I think that is what we are attempting to do, and I commend you, and I am sorry to have taken so much time.

Representative McEwen.

Mr. McEWEN. Mr. Chairman, I only applaud your statement and join in the accolades that you have extended toward my colleagues and express my deep personal appreciation for your commitment. Thank you.

Mr. GILMAN. Mr. Chairman, I just would once again want to commend you and your delegation, including Mr. McEwen, for undertaking this very important recent mission and then holding hearings so quickly upon your return and reporting to the American public. Your analysis and your comments, your appraisal of the recent efforts, I think that is extremely helpful to what we are all seeking to do.

And to those who have information of one sort or another, I hope that they would not withhold that for executive sessions or public hearings, but would relay it to your Committee and to our House Task Force Committee so that we can put it in the appropriate hands for an investigation. After all, that is what evidence is utilized for, to pursue the issue, and by sitting on it and withholding it, it does not do anyone any good. Thanks again, Mr. Chairman.

Mr. SOLOMON. Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you very much, gentlemen.

Our next witness will be Number 13 on a list of 17, plus those that we will go back to this afternoon in closed session for security reasons, will be Lieutenant Colonel Robert Howard, U.S. Army, Stuttgart, West Germany.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth? If so, please signify by saying aye.

Lt. Colonel Howard. Aye.

Chairman MURKOWSKI. We welcome you to the Committee, and look forward to your testimony. I would ask that you be seated, and you may proceed at your discretion. We are very pleased that you could be with us. We understand that you came over specially from Germany for this hearing.

STATEMENT OF LT. COL. ROBERT L. HOWARD, U.S. ARMY, STUTTGART, WEST GERMANY

Colonel HOWARD. Yes, sir. Mr. Chairman, members of the Committee, Lieutenant Colonel Robert Howard, 30 years active duty, United States Army, served almost five years in Southeast Asia, participated in almost 300 battles against the enemy, received 52 decorations of valor, and I appear before this Committee today at the Committee's request.

[The prepared statement of Colonel Howard appears on p. 416.]

Chairman MURKOWSKI. Well, I would ask you, sir, do you care to, based on the testimony that you have heard and your own personal experience, recognizing that the topic of this hearing is the issue of live sitings, care to make a general statement with regard to your observations and attitudes on the matter?

Colonel HOWARD. Mr. Chairman, I am convinced that we have live Americans in captivity in Southeast Asia.

Chairman MURKOWSKI. And are you convinced that they are being held against their will?

Colonel HOWARD. Some are being held against their will.

Chairman MURKOWSKI. Can you give us any indication that you have with reference to evidence to that effect, why you feel that is the case?

Colonel HOWARD. Sir, I would be happy to answer that question, but I feel that I have to answer that in closed session.

Chairman MURKOWSKI. In your area of experience, in your official capacity, what association did you have with the alleged living Americans? Have you had communications? Have you during your professional career in the military had occasion to either have photographs, communication, or otherwise with them in Southeast Asia?

Colonel HOWARD. Information, photographs pertaining to this subject.

Chairman MURKOWSKI. I am sorry, I did not hear the answer.

Colonel HOWARD. Information, intelligence information, photographs.

Chairman MURKOWSKI. Can you give us any explanation as to why we have not been more successful in our efforts if indeed there are living Americans being held against their will to get a release of those Americans that you contend are being held in Vietnam or Laos?

Colonel HOWARD. Sir, I would have to state my personal opinion on that. I only feel that because of the compartmented system that we have, that the information is not passed up appropriately through our chain of command to those people that lead our country, that can make the proper decision to gain that release that you have just mentioned.

Chairman MURKOWSKI. Recognizing the general testimony that has been given where I think without exception all witnesses have generally, and I think this is a fair statement, concluded that those people who are in responsible positions, particularly in the joint casualty identification area, where I have had the opportunity to visit as well as my colleagues—there are some very dedicated people in that area, veterans.

We have heard from our former witnesses with regard to their assessment of the very dedicated people who are involved in the entire chain. What could possibly be the motivation for anything less than a very candid, open, and aggressive effort to resolve this issue?

In other words, my question, I guess, is, what is your assessment of motivation that would possibly lead to anything but fullest disclosure?

Colonel HOWARD. Mr. Chairman, I would have to answer that question in closed session.

Chairman MURKOWSKI. Even on a personal opinion?

Colonel HOWARD. Even on a personal opinion, because I would not state a personal opinion, I would state factual information.

Chairman MURKOWSKI. Do you have information yourself relative to live sitings or information that would lend to the credence of live sitings?

Colonel HOWARD. Mr. Chairman, I have been exposed to information. I have none in my possession at this time, and I have not had any information in my possession in the last 19 months. However, prior to that time, I was exposed to that information.

Chairman MURKOWSKI. May I ask, sir, what you did with that information?

Colonel HOWARD. The information, sir, was passed to the appropriate agencies responsible for deciphering that information.

Chairman MURKOWSKI. What agency was that, sir?

Colonel HOWARD. Military Intelligence, sir, and DIA, sir.

Chairman MURKOWSKI. And that was where, in Washington? In Hawaii? In Bangkok?

Colonel HOWARD. Mr. Chairman, this information was provided in Korea to the appropriate agencies mentioned.

Chairman MURKOWSKI. Nineteen months ago in Korea?

Colonel HOWARD. Prior to that time, sir. Prior to that time.

Chairman MURKOWSKI. I am a little confused. Now, you indicated 19 months ago. You have not had any information for 19 months. What happened 19 months ago?

Colonel HOWARD. Mr. Chairman, 19 months ago I was transferred from my last duty assignment, which was located in Korea, to Europe, where I am stationed now.

Chairman MURKOWSKI. All right. To go back, I have to draw the conclusion that you may have had information prior to 19 months ago, which is acknowledged, I believe.

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. And you were in Korea then. Is that correct?

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. And the information you had you made available in Korea to the appropriate Defense Intelligence Agency. Is that correct?

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. Do you have any idea what was done with that information?

Colonel HOWARD. No, I do not, sir.

Chairman MURKOWSKI. And you are not at liberty to tell this Committee in open session what that information is?

Colonel HOWARD. No, sir.

Chairman MURKOWSKI. Is there a reason for that?

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. What is the reason?

Colonel HOWARD. The classification of the information, sir.

Chairman MURKOWSKI. Can you tell us how you came about this information?

Colonel HOWARD. Mr. Chairman, it was my duty to come about that information, to provide that information to those agencies who were responsible.

Chairman MURKOWSKI. How did you get the information?

Colonel HOWARD. Through intelligence sources, sir.

Chairman MURKOWSKI. Were you associated with an intelligence source in Korea?

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. What intelligence source?

Colonel HOWARD. Special Forces Detachment Korea, sir.

Chairman MURKOWSKI. And that was an intelligence responsibility?

Colonel HOWARD. Yes, sir.

Chairman MURKOWSKI. Can you tell us how or from whom you received this intelligence in Korea?

Colonel HOWARD. Mr. Chairman, the mission of the Special Forces Detachment that was stationed in Korea, that was assigned to me—I was chief of the Combat Support Coordination Team—was responsible for gathering that information. I again will provide you that information in closed session because of the classification of the information.

Chairman MURKOWSKI. Can you tell us for the record what techniques are used by those forces to gather information?

Colonel HOWARD. Mr. Chairman, sir, I will be happy to answer that question.

Chairman MURKOWSKI. I would not have assumed that that would be classified, but you are certainly free to hold whatever information you feel is sensitive, and I respect that.

I would defer to my colleague, and I am going to return to some questioning. Representative McEwen.

Mr. MCEWEN. Mr. Chairman, my only observation for Colonel Howard would be, do you have something you would like to say to us rather than us asking particular questions? This is obviously an issue on which you have a very deep commitment.

Colonel HOWARD. Yes, I do, sir. I have a very deep commitment to it. I have since 1965.

I would like to say to this Committee that the information that has been presented here by Major Mark Smith, Retired, and Sergeant First Class McIntire is honest, truthful information, and I appear here today to confirm that statement.

Mr. MCEWEN. I appreciate your doing that very, very much, and I look forward to your testimony in closed session. Let me just say as a preface to that that Senator Murkowski and I serve jointly on the Select Committee on Intelligence and on the Veterans Affairs Committee, and I hope that in preparation for your testimony in closed session that due to the limited time that we will be together, that you will share with us anything and everything that you feel that we could do in the unique positions that we hold presently to resolve this issue in the manner that you as a soldier know that it should be resolved.

Colonel HOWARD. I will do that, sir.

Mr. MCEWEN. Thank you.

Thank you, Mr. Chairman.

Chairman MURKOWSKI. Might I ask you, sir, if the Army encouraged your testimony or discouraged it or had any opinion whatsoever, and how was it initiated that you indicated an interest in testifying?

Colonel HOWARD. Mr. Chairman, I volunteered my testimony in support of Major Mark Smith and Sergeant First Class McIntire.

Chairman MURKOWSKI. And what about the attitude of your Army or your superiors? Was there any expression?

Colonel HOWARD. Mr. Chairman, sir, as long as you are honest, the Army will accept that testimony, as long as you tell the truth.

Chairman MURKOWSKI. So in other words there was no encouragement, no discouragement. You were just free to testify as any American would be?

Colonel HOWARD. Yes, sir.

Mr. MCEWEN. Mr. Chairman?

Chairman MURKOWSKI. Please proceed.

Mr. MCEWEN. Along with that line, in your 30 years' experience in the Army, is it conceivable that a Major General could discourage a subordinate from taking a particular course of action, as was the testimony?

Colonel HOWARD. Yes, sir, that is conceivable. It is absolutely conceivable.

Mr. MCEWEN. Thank you. The question of the believability of their testimony on that particular issue was raised earlier, Mr. Chairman. That is why I wished to get the Colonel's opinion on it. Thank you.

Chairman MURKOWSKI. In your testimony that you intend will be classified, do you have available areas where you believe positively that Americans are being held against their will in Southeast Asia?

Colonel HOWARD. Mr. Chairman, sir, I cannot positively identify those areas now, because I have not been privileged to that information for the period of time that I have stated to you. However, at one time I did have that information available to me, and I could have pointed them out to you on a map, but I cannot positively do that now.

Chairman MURKOWSKI. In one of the affidavits that is not classified, there was a conclusion that I believe could be construed as your statement that there was little interest on the part of your military superiors when you briefed them on the information that you had received, and that was a briefing in Thailand.

Colonel HOWARD. That is true, sir.

Chairman MURKOWSKI. Can you give us any reason why you believe your military superiors would not have an interest in that information?

Colonel HOWARD. Again, Mr. Chairman, I will discuss that in closed session. I will be very happy to answer that question.

Chairman MURKOWSKI. Well, sir, I guess we are down to a situation where any further testimony——

Mr. MCEWEN. One final question, Mr. Chairman.

Chairman MURKOWSKI. Please.

Mr. McEwen. Colonel Howard, do you have a successor in your position in Korea who would have access to the knowledge that you had 19 months prior?

Colonel Howard. Yes, sir.

Mr. McEwen. Do you feel that we can pursue the same avenues, chain of command, and intelligence sources that you had access to and arrive at the same conclusions that you held a couple of years ago?

Colonel Howard. You should be able to, sir. But I have been told it is only hearsay evidence. That evidence is not available now because some of the evidence has been destroyed.

Mr. McEwen. Thank you very much.

Chairman Murkowski. What you have alluded to, and you said—it was worded very loosely because of the realization that we are approaching a classified area, but obviously we look forward to your testimony in a classified context, and it could potentially lead, if there is enough evidence, to initiate a communication specifically to either the Vietnamese or the government in Laos.

It could further lead, if my colleagues individually or collectively, those of us who made the mission, and indeed your information funnels into and is applicable to Vietnam, the initiation of a request through Foreign Minister Thach, who volunteered to lead, as I think the word was, any one of us to a specific location.

So I would simply relate, Colonel, that we look forward to receiving substantive testimony that hopefully would identify your contention, and lead us to a resolve of whatever information or allegations you have evidence of.

Colonel Howard. Yes, sir.

Chairman Murkowski. Do you have anything further for the witness, Mr. McEwen?

Mr. McEwen. No, Mr. Chairman.

Chairman Murkowski. Thank you very much, Colonel. We will get to your closed testimony in the afternoon. I intend to go through the witness list as we are doing. I think we are on Number 14. I am getting too much paperwork here. We will go to 17. We will take a half-hour break, and then we will come back in a closed session for the benefit of those of you who remain.

You are excused, Colonel. I very much appre your testimony and your willingness to come from West Germany on this very worthwhile cause and give us your statement.

I want to also advise those of you who are waiting for the Administration witness list that the hearing has been moved from Tuesday to Monday, and we will reconvene in the final session of the hearing. It will be a public session Monday morning at 10:00 a.m., and we will, of course, at that session have the Administration witnesses.

We anticipate, I am told, moving it yet a third time for reasons unknown to me, and it will be in the Russell Building, next door, Senate Russell 414, which is our Veterans Affairs Committee hearing room, which is the smallest of the three rooms that you would have experienced, but it is a cooler room, and the windows open and the fireplace works, not that that is a concern.

I wonder, Mr. McEwen, if you could welcome the next witness while I be excused. I must make a phone call. It is Mr. Michael

Van Atta, editor of The Insider. Would you swear the gentleman in?

Mr. McEWEN. Fine.

Mr. VAN ATTA. Excuse me. Is there a Terrence Smith who was supposed to testify before me?

Chairman MURKOWSKI. We have a vote on, I was just told, in addition, so would you please proceed, if you would, and I will be back in about ten minutes, and I think you had better come over here by these microphones and bring your sign so that they will know you are not Murkowski. You look too Irish to be Murkowski.

Mr. McEWEN [presiding]. Mr. Van Atta, as I understand it, you are the next witness. Are you prepared to testify?

Mr. VAN ATTA. Yes, sir.

Mr. McEWEN. Fine. Would you rise?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, and if so, please signify by saying I do.

Mr. VAN ATTA. I do.

Mr. McEWEN. You may be seated. You may proceed with your testimony either in summary or by presentation.

STATEMENT OF MICHAEL VAN ATTA, EDITOR, THE INSIDERS

Mr. VAN ATTA. Five minutes is a tough time, and I am going to do the best I can, OK?

I would like to point out that I am a Vietnam veteran. The background on me is that I publish a newsletter called The Insiders, which started in January of 1982. It is dedicated to proving that there are alive POW's and informing the American public of that fact.

There are some reasons why I am here, and that is because there are Americans that were captured that were not released. I am holding up a photograph of an American. This is at point of capture. The Vietnamese or apparently Laotians are surrounding him. Again, it is a point of capture photograph. I believe this is in the files of the Defense Intelligence Agency.

I would hope that you would realize that there is a problem with the Americans that were left behind, that were captured, that we did not account for, and I hope to go through four lists with you who were probably in the captivity of the Vietnamese and the Laotians.

In 1981, a friend of mine, George Brooks, gave me this document. This document shows that there were 351 firsthand live sitings as of August, 1981, 22 of those attributable to Laos. The Administration would have you believe that there are 95 unresolved reports. Under those unresolved reports, there are 13 that are attributable to Laos. Since August of 1981, we have received 447 firsthand live sitings. That was as of August—I am sorry, October of 1985. Those were figures given to me by the Defense Department.

Let me start with this list. What I have done was, I took the Defense Department list of people that were missing in Southeast Asia, and off of that list I took the people who were placed in Category 1. It was a military designation at the point that they were lost, what happened to them, were they in the captivity of the enemy or were those people lost in a situation where the enemy may have known were they were?

I would like to go down a couple of the people that are on this list and describe those to you so you can see what that information is.

Mr. McEWEN. Mr. Van Atta, is this in addition to the testimony you submitted? Or is it testimony you will submit? I mean, just for your benefit, I have read your testimony, and therefore if you are going to repeat that, and it is submitted into the record and it is there—for your own benefit, you may wish to delete some of that and share any additional information for us to hear. I would like to have that added to the record.

Mr. VAN ATTA. Atta. I understand.

On this list, let us take a look at Number 7, Walter Moon. Walter Moon was lost April of 1961 in Laos, and it indicates that he died in captivity July 22nd of 1961 in an escape attempt, and it gives the grid location where he was lost. The location where he was lost on this map in Laos, here is Dien Bien, and here is where he was lost.

The Department of Defense would have you believe that there were 22 firsthand live sitings attributable to Laos in 1981, and now they are saying there are only 13 that are unresolved. These are the live sitings that occurred in sort of that circle, that grid where he was lost.

There were 34 sitings of Americans in that grid. I think if the data holds true that it correlates that there was somebody in there, not just one person, but maybe several people. If you look in the file of Walter Moon, you would find that there are supposedly two eyewitnesses to his death.

To move along, on this list, I would like you to take a look at Number 22. It is D. Herlicke. He was lost 5 of 1965, but in July of 1966 his picture appeared in Pravda. Number 45, E. Reilly, he was lost 4 of 1966. We found his ID card, and we found his interrogation papers. In other words, he was alive in captivity.

I have an undebriefed source which I have scheduled to meet with DIA that gave me information on Number 54, Mr. B. Small, who was lost 3 of 1967, and he had a leg wound, and he was captured. My source was asked by a guard if he knew Mr. B. Small.

Number 66, E. Wethem. He was lost 11 of 1967. He was reported died in captivity 5 of 1968. My source saw him alive in 1976.

Mr. McEWEN. Is he still listed as having died in captivity?

Mr. VAN ATTA. We still have him listed as having died in captivity. DIA records will reflect that they also believe he was alive in captivity after the time the records which they had generated showed that he had died in captivity.

Number 88 on this list, J. Ray, that is James Ray, lost 3 of 1968. He is an MIA. My source was told that he was alive in June of 1970. He is an interesting case. I have studied that extensively with the family. In his records he died 6 of 1969, but he was awarded an award for escaping July of 1969.

Several of the people that we interviewed who gave statements that he died in captivity have given us affidavits that say he did not die in captivity and they did not say that. When we caught up with the last one, everything seemed to be hearsay hinging on this one man. He caught up with me two weeks ago, and he indicated that when he saw him he was alive. It was in late 1969.

Mr. McEWEN. Mr. Van Atta, what are your conclusions from all of this?

Mr. VAN ATTA. Well, my conclusions are that there is a lot of data that is available by just taking a look at the Defense Department's records and interviewing the family members, and that proves there are some people that are alive. I think that—I know that I could go on forever here, but what I have done is, I have videotaped my presentation to you, and I will make that submittal for the record.

Mr. McEWEN. I thank you very much. I truly appreciate that.

[Videotape not available at time of publication.]

[The prepared statement of Mr. Van Atta appears on p. 420.]

Mr. McEWEN. Naturally, any testimony that is given is going to be subject to scrutiny, so let me let you respond to some questions that might be presented after your absence.

Is it your opinion that American service personnel are being held captive today by either the government of Laos or the government of Vietnam? Your testimony states that you have evidence that there were discrepancies as to American conclusions. Do those discrepancies continue today?

Mr. VAN ATTA. Yes, sir, they do.

Mr. McEWEN. Are you aware that documents such as the ones you have referred to have been released since 1978, and that they have been subject to public scrutiny for years?

Mr. VAN ATTA. Yes, sir.

Mr. McEWEN. And that therefore, as you will understand, one need not draw direct conclusions from those, from that data in and of itself?

Mr. VAN ATTA. Well, it is not in and of itself. That is why I was going through these different items.

Mr. McEWEN. When it was corroborated with the personal information received in your efforts, then you were informing the Committee that they need not rely certainly on the government reports, because they are obviously erroneous in a myriad of instances, and should be acknowledged as such.

Mr. VAN ATTA. In some instances which I have documented, yes.

Mr. McEWEN. Thank you very much. Is there any additional information you would like to present? I do not want to cut you off at all.

Mr. VAN ATTA. OK. Well, if I can go a little further, there is a gentleman who is on this list by the name of McKinley Knowles, and he was last seen November of 1973. Here are two documents from the Defense Intelligence Agency and Department of Defense which mention him that are dated May and June of 1970.

Like I said, I am going to submit a copy of the tape where I present all of these documents. I may point out to the public that I feel there is substantial evidence here that proves there are live Americans. Trying to go back and verify some of the items that DIA said existed in the file, they do not exist.

Mr. McEWEN. I appreciate that very much. I appreciate your commitment to this issue and your willingness to testify today, and specifically to present this information. I am sure you will be willing to respond to any additional questions the Committee might have in following up the discrepancies you have identified.

Thank you very much, Mr. Van Atta.

Is Mr. Bennett here? Mr. Bennett, I understand you are to testify on behalf of Mr. Burch, to present his testimony.

Mr. BENNETT. Yes, Mr. Burch is ill today. As the Coalition secretary, I am here in his stead.

Mr. McEWEN. Thank you. Would you stand and raise your right hand?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, and if so, please signify by saying I do.

Mr. BENNETT. I do.

Mr. McEWEN. Thank you. Please be seated.

STATEMENT OF WILLIAM T. BENNETT, SECRETARY, NATIONAL VIETNAM VETERANS COALITION, ON BEHALF OF J. THOMAS BURCH, JR., NATIONAL COORDINATOR

Mr. BENNETT. I want to thank the Committee, first of all, for allowing the activists to finally come in and present their case before the Congress.

We are the National Vietnam Veterans Coalition. We include among our members 27 organizations, including three of the four largest Vietnam veterans membership groups and most of the major POW/MIA organizations in the country.

While we are pleased to be here, we do have some concern in that the deadline for submitting testimony was fairly short. Several people were not able to get their testimony in in time to testify, and we are particularly concerned that one Tom Ashworth was not able to come in as a witness.

We would urge the Committee to rescind that rule and permit him to come in, because he has quite a bit of valuable data. At this time we would like to request that his affidavit be submitted for the record with our testimony.

Mr. McEWEN. Yes.

[The affidavit referred to appears on p. 434.]

Mr. BENNETT. I also believe that Mrs. Le Thi Anh would provide some very valuable information and that she should be invited to testify.

Then, in a limited time, to summarize the testimony that we have already submitted for ourselves, we have no question that among the Vietnam veterans movement the live prisoner of war issue is the issue of greatest concern to the greatest number of Vietnam veterans. As comrades in arms and those who fought alongside the men who are missing, we, the Vietnam veterans, have a legitimate interest in the subject at hand. It should be acknowledged by government officials. We feel it has been a mistake to regard this issue as one of exclusive concern to families, and primarily because they do not have the numerical clout to make sure that our country doesn't leave its live servicemen behind.

I think it would be useful to remind America that perhaps half of all the prisoners who were being held did not return and were abandoned by the government. And we say the presumption should be that the men are still alive until proven otherwise, rather than the presumption being made in the opposite direction. And the fact that there is ostensibly no usable proof that the men are there, it seems to us, would point out a significant deficiency in the intelligence process, and some of what we identify as deficiencies, as refugee interrogation procedures. There is a widespread perception in the Indochinese refugee community that U.S. authorities are not genuinely interested in the live POW intelligence, and the principal reason for this perception is the insensitivity and degrading harassment to which they are all too frequently subjected by DIA personnel.

Of course, in the evaluation, General Tighe has called it the "mindset to debunk." And to review declassified refugee reports, we are struck by how often the analysis is devoted to try to discredit the rightings, rather than to try to work with it when it seems good.

Since we prepared this statement, it has come to our attention there has been controversy over fingerprints and photos, and we have learned that there is an FBI agent named Barry Monks who is the custodian of these records. We suggest the Committee call him as a witness to get to the bottom of this controversy.

We believe there is a pressing need for substantial rotation of personnel in DIA and the Joint Center, and new personnel with fresh perspectives are needed to administer the program.

Then, turning to policy for a moment, we believe that there is a very unfortunate tendency to have this whole issue divided into two categories: you either support this policy, which as a practical matter means returning remains, or you have to engage in private cross-border forays. We submit there is a middle ground on this. There are other options, such as "bribery to black helicopters in the night," to be pursued aggressively; resistance movements in Indochina could be supported as a pressure tactic on the Indochinese governments.

Diplomacy obviously is an option but when we have people conducting these negotiations saying they do not have usable proof, we cannot see how they have the confidence in their own negotiating position to be effective at it.

And I have also been asked by some people to bring up the information is not available to the families in one place. Further, we have been approached by several directors from the National League of Families who say they were never informed of this hearing taking place, and they would like the option to come and address that question.

And further, obviously, as this Committee gets into this deeper and deeper, you will see that the oversight cpability is probably beyond your capacity, because you are all spread thin on the Hill. This is no discredit to anybody up here, but you have many responsibilities, and what is really needed is an independent commission to really take charge of this thing and see it through.

Thank you.

[The prepared statement of Mr. Burch appears on p. 422.]

Mr. McEwen. Thank you very much. I appreciate very much your coming, and I appreciate the difficult circumstances whereby Mr. Burch was unable to be here during the time frame available. I appreciate your commitment and your willingness to understand.

The Committee will submit further questions to Mr. Burch for further response if he so desires.

Mr. **Bennett**. Thank you, sir.

Mr. **McEwen**. With that, thank you very much.

Next, is Joan Carlson here?

[Pause.]

Mr. **McEwen**. Joan, I understand you are going to present the testimony for Red McDaniel, and I also understand that we have about six minutes left in the House to vote, and so, since your testimony has been submitted and I am aware of it, we are going to ask that you enter it into the record, and in so doing, if you would stand and raise your right hand, and please respond. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth? If so, please signify by saying I do.

Ms. **Carlson**. I do.

Mr. **McEwen**. Thank you. Please proceed with the testimony for Mr. McDaniel.

STATEMENT OF JOAN E. CARLSON, ON BEHALF OF CAPT. EUGENE "RED" McDANIEL, U.S. NAVY (RET.), FORMER VIETNAM POW

Ms. **Carlson**. First of all, I would like to preface my testimony. My introductory remarks make reference to the Chairman and members of the Committee, and I guess that is all one and the same at the present time.

Mr. **McEwen**. Counsel will remain in our absence.

Ms. **Carlson**. Mr. Chairman and members of the Committee, on behalf of Red McDaniel and myself, Joan Carlson, I thank you for allowing me to provide testimony we are confident will assist you in pursuing the question of whether or not Americans are currently being held captive against their will in Southeast Asia.

I also wish to personally thank you, Mr. Chairman, for establishing this open hearing, as it is the first such hearing since 1974. This fact in itself is consistent with the leadership taken by President Reagan's guidance in making the issue concerning POW's and MIA's in Southeast Asia a top priority of this Administration.

Before I read Red McDaniel's statement, I believe that it is essential to briefly explain my own background on the issue, for my involvement goes back to 1967, when my brother-in-law, Captain Stephen P. Hanson, was shot down in Laos.

Most of you will recall this first POW bumper sticker, which reads "POW"s, MIA's, don't let them be forgotten." This effort was initiated by my sister, Carole Hanson, of El Toro, California. Too long the plight of the POW's and MIA's had gone on virtually unnoticed by the American public, and apparently of low priority to our own government.

This bumper sticker campaign was just the beginning of many combined efforts that would bring this vital issue to the forefront and ultimately bring about some most positive results and improved treatment for our men in captivity, and finally, in 1973, the long-awaited release of those men held in Hanoi.

You should also recall that Carole was instrumental in the formation of the National League of Families, and also, as was I, in the establishment of POW/MIA International, which worked closely with the families, other concerned citizens, and organizations to distribute POW/MIA bracelets, bumper stickers, and other materials to get the issue off the back pages of the newspapers and out into public view, thereby forcing some action to be taken to bring about improved conditions while in captivity, and the ultimate release of our POW's.

I also remember the occasion when we were in the office of the Governor of California at the time he was presented a POW bracelet which bore the name of my brother-in-law, Stephen P. Hanson. The former Governor often retells one moment in particular that day while the POW/MIA families were gathered around his office. After personally taking one small boy in the group to the Governor's private bathroom, he felt a tug on his coattail, and looking down at the boy, the Governor recalls him asking, would you please help bring my daddy home?

That small boy is now a midshipman third class at the United States Naval Academy, Todd Hanson Hickerson, and of course that Governor of California is now president of the United States, Ronald Reagan.

Therefore, from the late sixties to the present time we along with the majority of families of POW's and MIA's have never conducted ourselves in a manner that would either embarrass our President and country or endanger the lives of Americans held captive. That is precisely why I am now working with Red McDaniel.

After Operation Homecoming in 1973, I and members of my family knew that no Americans were released from the country of Laos. We knew that the big release was agreed upon between the United States and North Vietnam. The communist forces in Laos and Cambodia were not included. Therefore, if an American had the double misfortune of being captured by Pathet Lao troops or others and not North Vietnamese, then he was excluded from the big release.

Personally, we were fortunate, for a crewman from Steve's helicopter who had been held in North Vietnam under an assumed name was released in 1973. He stated that prior to his evacuating the helicopter, he was witness to the fact that the pilot and copilot had been mortally wounded.

Our frustration was, however, due to the fact we believed other Americans were still being held captive, how could we effectively keep the issue alive knowing very well that after the big release in 1973 and our troop withdrawal immediately thereafter, America would want to put the issue of Vietnam far behind?

With the focus turning to Watergate and our domestic needs, the possibility of live POW's still being held in Vietnam became an issue of little importance to our government and most Americans. Our problem was then how to be most effective.

It was not until this past year when the possibility of the POW/MIA Commission being established that our hopes were renewed. We also knew that as before, the issue would never be resolved until the American public insisted that our government pursue every possible avenue to obtain the release of any live POW's.

Prior to 1973, if the issue had remained solely a concern of wives and families, it would never have moved from obscurity to the front pages of newspapers around the world. It was only when individuals from all walks of life, individuals who never knew a POW, when teachers, the clergy, housewives, college students, and other concerned Americans made this a priority, yes, when this outcry of public support and interest included Members of Congress, only then did anything of significance occur.

This is why such action is so crucial today, and again I thank this Committee for holding these hearings. It was because of this need to allow an avenue for all concerned Americans to become involved in the issue that my husband and I plus others founded the organization POW/MIA International, Incorporated, back in the early seventies.

This organization allowed individuals who were not family members to participate. Primarily we worked along with the National League of Families in eleven western states. Senator Boschwitz, who is not now present, will recall our efforts in Minnesota as we had a midwest office in St. Cloud while my husband, Gary, attended graduate school.

When I first met Red McDaniel, I was pleased with his patriotism and his overwhelming support of America. I was also pleased that he was willing to step out and again serve his country when he ran for U.S. Congress and also with his efforts on behalf of the American Defense Institute.

Red is as solid an American as you can find. That is why I was thoroughly pleased when he asked me to work with him on the POW/MIA issue, and in particular to get the POW/MIA Commission established, so we could determine whether or not live American POW's were still being held in Southeast Asia, and if so, to bring them home, not in years, but in months.

I would now like the Committee to hear Red McDaniel's sworn statement concerning this most vital issue of live POW's still being held against their will in Southeast Asia, and I quote:

> I am currently a citizen and resident of Alexandria, Virginia. I am employed with the American Defense Foundation in Washington, D.C. I am retired from the United States Navy, and my retirement date is January, 1982. I retired in the grade of Navy Captain O6. I am married and have three children. I am a former prisoner-of-war of the Vietnam War, where I was held in captivity in North Vietnam for 70 months.
>
> I have been actively involved in the POW/MIA issue since approximately 1979 through the present date. I have served on the board of directors of the National League of Families from 1983 to 1984. Additionally, I was the vice president of the NAM-POW Allied POW Wing, and would have been seated to the presidency of this organization but felt that I could not get as actively involved with this issue as I could otherwise.
>
> When I was on the board of directors for the National League of Families, I first began a professional relationship with Richard Childress, who I believe was the spokesman for the National Security Council on the issue of POW's and MIA's. As a result of my position with the National League of Families and Mr. Childress's position with the National Security Council, we developed a professional working relationship.
>
> I specifically recall some time during the early summer of 1985 during the evening hours receiving a telephone call from Mr. Childress at my home. The subject of the telephone conversation was directly related to the POW/MIA issue. During the course of this phone conversation, which lasted approximately 1 hour, Mr. Childress and I discussed the POW/MIA problem. I specifically asked Mr. Childress if he thought we had Americans still being held in captivity in Southeast Asia. He responded by saying, and I am quoting, "You'redamn right I do."
>
> I recall also discussing what was being done about the problem. Mr. Childress told me that he specifically briefed the President on the POW/MIA issue. I remember

> also Mr. Childress saying to me that he didn't know why he was telling me this. He didn't know why he had called. I asked Mr. Childress when he would expect to get some of the POW's back, and he said, in two or three years.
>
> I told him that in my opinion that was too long, that we were running out of time.

And that is the end of the quote. Signed, Eugene B. McDaniel, 11 December 1985.

In conclusion, it would be my personal hope and most certainly the desire of the American Defense Institute and Red McDaniel that upon completion of these hearings, the Veterans Affairs Committee will feel there are too many unanswered questions regarding the overwhelming possibility of POW's still being held against their will in Southeast Asia, and because of this it must be incumbent upon this Committee to recommend to President Reagan the formation of a Presidential Commission headed by H. Ross Perot to thoroughly investigate and exhaust all possible leads that have come before the Defense Intelligence Agency or any other sources so that once and for all this most important issue can be laid to rest.

For the sake of those still being held in bondage, for their families, who have waited far too long, and for those young Americans contemplating military service, we implore you to take such honorable action.

For Red McDaniel, the American Defense Institute, myself, and our POW's, I thank you for your kind attention.

[The prepared statement of Captain McDaniel appears on p. 440.]

Chairman MURKOWSKI. Thank you, Ms. Carlson. Perhaps you have done so, but for the record—Mr. McDaniel is not here, obviously.

Ms. CARLSON. He has been out of the country.

Chairman MURKOWSKI. He is out of the country? Where is he?

Ms. CARLSON. To the best of my knowledge, he is in Israel. I have not been made privy to his entire trip.

Chairman MURKOWSKI. You do not know why he is over in Israel other than that he is retired and over in Israel?

Ms. CARLSON. Well, he is not retired and over in Israel. He is working and over in Israel.

Chairman MURKOWSKI. In view of the fact that you have read basically the testimony of Captain McDaniel, I really do not feel it is appropriate that I have questions for you other than with regard to the reference to Mr. Childress's comment that I guess occurred in the summer of 1985, where he respondend, "You're damn right I do."

Do you know if Mr. McDaniel had an opportunity to dialogue that a little more in the sense of that is a substantial statement, and it would imply what do we do or where do we go from there? Could you enlighten us a little further as to what they may have indicated would take place to try to bring the living American situation further along?

Ms. CARLSON. I was not present, of course, at the phone conversation, and I would say that Red McDaniel's testimony would be complete and accurate in itself, but any further questions regarding that conversation I would feel would be more appropriately addressed to Mr. McDaniel.

Chairman MURKOWSKI. Unless we can delve into that a little more, it is pretty hard to figure out how we are going to proceed with, okay, give us some evidence or something that we could pass on for a followup.

Ms. CARLSON. I know that Mr. McDaniel would be happy to answer any questions the Committee might have, and the only witness that I am aware was present during the conversation was, of course, his wife, being he was at home.

Chairman MURKOWSKI. You do not have any idea when Mr. McDaniel will be returning to the United States?

Ms. CARLSON. It is my understanding he will be returning some time today, and may be back in the city at this time.

Chairman MURKOWSKI. Today?

Ms. CARLSON. Today. That is correct. But he did not know what his time frame would be.

Chairman MURKOWSKI. Would you make an inquiry and advise our counsel as to his availability yet this afternoon or perhaps Monday?

Ms. CARLSON. I am sure that he would be happy if he is in. He was hoping to be in his office some time today, but because he did not know when, and because there was the possibility that his testimony would be needed at the beginning of the hearings, that is why he asked me to speak in his behalf.

Chairman MURKOWSKI. Well, I would request that the staff initiate a communication to see what his availability might be either for the closed session this afternoon or——

Ms. CARLSON. I am sure he would be more than happy to appear and answer any questions which you might have.

Chairman MURKOWSKI. OK, if you could advise the staff upon conclusion of your testimony whether or not he can appear this afternoon, we would like him to do so. If not, Monday.

Ms. CARLSON. I would be happy to do that.

Chairman MURKOWSKI. All right. I very much appreciate your testimony, Ms. Carlson.

Ms. CARLSON. Thank you.

Chairman MURKOWSKI. Our last witness of the day before we break for one-half hour, and I might just announce for the benefit of those who have been with us and want to know what is going to happen next that upon the conclusion of the last witness for the morning, Dr. Larry Ward, President Emeritus of Food for the Hungry International, we will break for one-half hour, and we will reconvene, and at my request we are going into the chambers of the Select Committee on Intelligence, which is a secure surrounding, where we can satisfy ourselves that classified information can be appropriately monitored from the standpoint of the security association.

The witnesses will be individual witnesses. No witness will be present when another is testifying. And that room is 211 of the Hart Building. That is the second floor of the Hart Building. There are a number of security officers outside that door.

Unfortunately, the waiting accommodations are not quite what we would like them to be, so we do apologize for whatever inconvenience that might cause, and again we will go into session with the Administration Monday in Room 418 of the Russell Building. That is the chambers of the Senate Veterans Affairs Committee.

The witnesses that we understand now will be testifying include Jerry Mooney, Major Smith, Sergeant McIntire, Lieutenant Colonel Howard. I am not aware—there may be others that we have overlooked. If so, we would appreciate it if you would get their names up to us. You may come around the back hall or our staff people will be available.

May I ask for a show of hands of anyone other than the four I mentioned that we can expect?

[Pause.]

Chairman **Murkowski**. All right. Thank you.

Our last witness is Dr. Larry Ward. I will call Dr. Ward.

I will ask you, sir, as you approach the witness stand, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth? If so, please signify by stating I do.

Dr. **Ward**. I do.

Chairman **Murkowski**. Good morning, Doctor. We look forward to your testimony.

STATEMENT OF DR. LARRY WARD, FOUNDER/PRESIDENT EMERITUS, FOOD FOR THE HUNGRY INTERNATIONAL

Dr. **Ward**. Mr. Chairman, I am here today because of a deep concern for Americans MIA and possibly POW in Southeast Asia, a very specific personal concern that has taken me back to Vietnam some 26 or 27 times in the past six-and-a-half years since August, 1979.

I am sure that all of us here, however divergent our views, share a common bottom line motivation, hearts which cry out for the fullest possible accounting, and for the return of all the living, but there are differences in approach, in attitude, and so I will speak frankly against the background of those many recent trips to Vietnam.

Number One, the changed attitude in Hanoi. The Vietnamese government has taken the unprecedented, totally uncharacteristic step of building a fence around itself with its commitment to resolve this issue within the next two years.

However I may feel about that kind of government, I personally accept this as their intention in fact, because, A, obviously, they now see it as in their own practical self-interest to do this, and B, because of the totally changed attitude I have seen out there in Hanoi in recent months at very high levels.

That change of attitude was especially visible in Hanoi exactly one year ago today, and I saw measureable and very positive improvement when I returned last May and again in August.

Number Two, our government's position. As one who has dealt with Vietnamese officialdom at all levels for over 20 years, I am convinced that what our government is doing now, the key word, now, is exactly the right approach. I base this not only on what little I myself may know about the Vietnamese mindset, but on the words of Vietnamese officials who have commented to me very freely and frankly on our President's representatives as tough negotiators, and this from Hanoi is a compliment.

I am convinced that this program of front-door approach, of quiet diplomacy, of effective and uncompromising negotiation is in fact working, and soon we all will know.

Three, the proposal for a special commission. The years have crawled by. I can understand the frustration, the impatience which cries out for something, anything to expedite the process. Perhaps a few years ago, when this issue was not assigned that highest level national priority which thank God it has today, perhaps back then such a commission might have been a good idea.

But with the process clearly working with that intention, the two-year commitment on the international public record, now is not the time for change. Please understand. It is my view that Hanoi regards the present negotiations as the President's own process. I am sure that is a factor in the 24-month commitment. When they feel they are dealing with the President himself, they will never understand the rationale for a separate commission.

If I know anything at all about the Vietnamese thought processes, I can assure you that the establishment of such a commission now would send a very confusing signal to Hanoi, could interrupt the steady forward progress, and very likely derail the present rescue train of quiet diplomacy.

Please remember, my own efforts have been under the umbrella of a private voluntary agency. In the early 1980's we proposed in Hanoi a joint search committee, joint excavation efforts, but when I sensed a year ago that the SRVN was ready to move into direct government-to-government cooperation along these very lines, my colleagues and I were more than willing to set aside the private approach. The issue was too important, I want to say too sacred for anyone not to be willing to do the same.

I would also point to the fundamental illogic of protesting here in Washington when the answers lie out there in Hanoi.

Number Four, any call for direct military action. I have lived with this issue since May 30, 1962. If it were as simple as crawling through the jungles or attempting some kind of rescue by air or by sea, believe me, I would want to be the first to volunteer. God knows, I would leave tonight, but it is not that simple.

The more convinced we are that there are live Americans in Indochina, the more we feel that there is more than one location at which this might be true, the more this itself points up the folly of any military approach, official or private. Too many years have dragged by that those who believe most strongly in the possibility of live Americans be first to acknowledge the inherent danger to the many by trying to rescue the few.

A personal confession. I have felt that frustration. In the past it has led me to listen to any source anywhere in the world which claimed to have specific MIA information, however flaky or shaky that source might be. I have been all down the road of pictures and dogtags, packets of bones and bizarre proposals for over eleven years.

Well, now, as I near the end of what I say three things stand out. A, the sources are almost invariably the same, recycling the same tired old claims. B, the alleged locations always seem to be in areas readily available to the resistance, illogical though this would be from the standpoint of anyone holding prisoners. C, definite ID, well, that is always going to come just a little later, but the years have gone by without a single definite, meaningful, verifiable name from those private sources.

If the closed sessions produce such information, as one who has lived with this issue for 23 and a half years, I want to be the first to rejoice. But soon we will know whether that is true or whether we are pointed once again down that same old dusty road of tired claims.

I remind all of us that the burden of proof rests on those who make such claims, and I feel very strongly that the biggest danger of coverup can come from the private sector if we withhold information which can be correlated and synthesized with all appropriate intelligence.

Finally, Mr. Chairman, I appeal to all of us through this hearing for unity. May I quickly read my last two paragraphs?

What a terrible responsibility for anyone who refuses to give our President and his process after all these years this 24-month chance. I feel that responsibility not only extends to those who might spread wild and unconfirmed stories and make serious charges or propose bizarre solutions, but even to the well-intentioned if naive proposal for that special commission which I so strongly feel could seriously derail the present steady forward progress.

The cause is too sacred, the issues too real for the sake of Archie Mitchell, Floyd Olson, Harley Hall, and Earl Hopper, Jr., whose name I wear on this band, for 2,437 other names that I wish we could all read aloud in this room. I feel we must support our President and his process. Give it that 24-month chance to prove itself, and send now a united signal to Hanoi. This is a new day of hope.

[The prepared statement of Dr. Ward appears on p. 448.]

Chairman MURKOWSKI. Thank you very much, Dr. Ward. I very much appreciate your contribution to the record.

You indicated you have been to Vietnam 26 or 27 times. Beginning when?

Dr. WARD. August of 1979, six-and-a-half years ago, on top of 77 previous visits beginning back in August, 1958, until April 27, 1975.

Chairman MURKOWSKI. Seventy-seven. Were all of these in a humanitarian way?

Dr. WARD. Yes, we have been involved in Vietnam continuously in relief and development of social welfare systems.

Chairman MURKOWSKI. When was your last trip to Vietnam?

Dr. WARD. I was last there in August and early September.

Chairman MURKOWSKI. What has been your accessibility in the countryside outside of Hanoi, outside of Ho Chi Minh City?

Dr. WARD. I have driven from DaNang to Hue, to Vin, to Haiphong, to the Chinese border. I have been in Sante, a place many of us will remember. I have been in Nam Dinh, which Senator Denton will remember all too well. I have traveled many areas in the south.

Chairman MURKOWSKI. Do you feel you have had unrestricted access to Vietnam?

Dr. WARD. In South Vietnam I have had dozens and dozens of totally free conversations, many with dear friends gone by.

Chairman **Murkowski**. When I say access, I mean with regard to your travel throughout South Vietnam and North Vietnam. Can you distinguish what my question presently is? Do you feel you have had unlimited access? Could you go where you wanted to go?

Dr. **Ward**. Not totally unlimited. I would wish that I could live there and go everywhere, but we have never been refused in any area that we have asked to visit.

Chairman **Murkowski**. Then how do you know that there were areas that you could not have gone to?

Dr. **Ward**. Oh, there may very well be. It could be we would find out if we asked.

Chairman **Murkowski**. Have you ever asked to go to an area that you were particularly motivated by allegations that there may be Americans living in those areas?

Dr. **Ward**. No, for the past six years our approach has also been on a private basis, the direct front door approach of diplomacy. I am convinced—it may not be spectacular, it may not be flamboyant, but the answers to all the questions that have been raised in this room lie out there in Indochina. I am convinced that Vietnam, whatever its motivations, but with its practical self-interest—it is as much in their interest as ours to resolve this issue.

Chairman **Murkowski**. Oh, I agree, but of all of the witnesses, you have had the extraordinary experience of probably traveling more and you have indicated that you had accessibility to wherever you have requested to go, and my question is a bit narrow, but it is reflected on, you know, since you are in the humanitarian business of making that kind of contribution, have you had occasion to ask to go to a place because the motivation was basically information relative to hopefully that there may be living Americans being held in those areas?

Dr. **Ward**. Not specifically, because I do not think any of us at this point can pinpoint such an area, precise area.

Chairman **Murkowski**. No, but my question is, since there is so much information on the allegations, you have acknowledged that you have listened to it, observed it, and participated. My question is, why would not you take what you believe to be the most significant and worthy evidence and make an inquiry to go to that area just to satisfy your intent as a humanitarian?

Dr. **Ward**. I have appreciated the opportunity to travel throughout the country, and if I knew of such an area today I specifically wanted to visit, as has been said to you, I would like to go back to Foreign Minister Thach, with whom I have talked many times on this issue, and say, sir, I would like to go here, or whoever the responsible party is, but we have not seen that need. We have seen the process start moving ahead.

Chairman **Murkowski**. What is your particular position on the issue of the alleged Americans being held against their will in Vietnam or Laos?

Dr. **Ward**. That strong possibility has motivated me for 23 and a half years. It took me back to Vietnam in June of 1973, and while we have had significant self-help projects in Vietnam, that has been the thing that has kept me going there more than anything else.

Chairman **Murkowski**. So your position specifically is, sir?

Dr. **WARD**. That there very likely are live Americans being held against their will somewhere in Indochina, and certainly there are live ones there, probably a large number of defectors.

Chairman **MURKOWSKI**. Do you have any comments—it is my understanding, and I do not know this for a fact, but I intend to ask the Administration, but I would ask you, I was told by the French ambassador at our breakfast in Hanoi that there was a Frenchman that came out of Vietnam a year ago after living some 39 years there. He had been a defector from the French military forces. France had granted amnesty. Our nation does not grant amnesty, so anyone anticipating coming back to the United States would face the appropriate military action.

Are you knowledgeable in that area?

Dr. **WARD**. Related to the Frenchman? Not specifically.

Chairman **MURKOWSKI**. No, on whether if there were a person who defected, would he face action from the military authorities upon his return?

Dr. **WARD**. I do not know, but I would hope at this late day in history, for what it could mean to the whole cause, we might be willing to consider such a general amnesty in the case of a defector, not prisoners who deserted.

Chairman **MURKOWSKI**. Would it be something your organization might recommend to the Congress?

Dr. **WARD**. I would be very happy to make such a recommendation.

Chairman **MURKOWSKI**. Well, I am just asking you for your consideration, because my question is an obvious one.

Dr. **WARD**. Sure.

Chairman **MURKOWSKI**. If we did have amnesty—I am still not totally sure I know what I am talking about, because I do not know, but I am led to believe that we have not granted amnesty. My question is, if we did, would it perhaps encourage any that may have defected to come back and at least resolve to their loved ones their whereabouts?

Dr. **WARD**. I think it should. When I first started going into this, sir, I was not aware of the significance of the defector. I was there concerned about the person held against his will. I think I have looked into the face of a defector. I wish I had pursued it more.

Chairman **MURKOWSKI**. I have a little discomfort in my line of questioning where you have acknowledged that your motivation, of course, has been living Americans, but then your access to the countryside has not necessarily zeroed in on information that you may have had that would have led you to want to go to one of those places.

Dr. **WARD**. Well, my concerns extend to the whole country. We have been able to travel just about everywhere we could go.

May I speak to one side, sir? I do not want to prolong this, but the other side of the coin of what you just spoke, in June of 1982 I laid out to Foreign Minister Thach a proposed memorandum of agreement between Food for the Hungry International, of which I was then the president, and the SRVN which called for a joint committee.

One section in that provided that whether or not we wanted to accept it, we acknowledged the position of the SRVN that they were not holding live Americans, but also by signature on that document they would acknowledge our concern for Americans still hiding in the jungles, as in the case of the Japanese in the Philippines so many years being held for exploitation by dissident groups, which would be an interesting catchall and opportunity for Vietnam to cooperate whenever it wanted to, or third, being hidden by individual Vietnamese families.

We suggested there that they would extend by signature on that document a general amnesty from their view to any Americans who might be hiding in their country.

Chairman MURKOWSKI. You alluded to your observation of the cooperation by the Vietnamese government on the issue of both remains and their willingness to follow up on live siting information. And you said that over the years you have observed this change. What, sir, is in your opinion the motivation for this change?

Dr. WARD. I think they feel they are dealing with the President. I think they feel they have a limited time frame in which to bring around the resolution of this humanitarian issue, and I think obviously in the back of their minds, while they themselves now carefully separate it as a humanitarian issue, which originally they did not do, I am sure they look at it in the context of the long-range normalization, economic aid they so desperately need, and all the rest.

Chairman MURKOWSKI. Have you traveled throughout Laos?

Dr. WARD. I have been in Laos. I have not traveled throughout Laos.

Chairman MURKOWSKI. How many times have you been to Laos?

Dr. WARD. I think just twice since the change of 1975.

Chairman MURKOWSKI. You indicated that you oppose the establishment of a special commission because you think it would send mixed signals. Could you be more specific? Mixed signals are mixed signals. But if it benefits the effort——

Dr. WARD. I think the Vietnamese understand government, chain of command, delegated authority, the straight processes of government. But whether another commission coming in when they feel they have been dealing, as has been indicated to me, with the very top, because the President's representative has been present there, this is that signal that I think might discourage them. They think it would be a reaction to even the many different voices we have heard.

Chairman MURKOWSKI. You indicated in your testimony that you read an ABC which was kind of a summary that you were willing to listen but many months went by, the dust began to settle, and two or three simple facts stood out. One, the sources were almost invariably the same, apparently "working a good thing." How can you possibly make that generalization unless you have access to classified information?

Dr. WARD. I am talking about private claims, private sources. I am talking about the Hmong, the Yaou, the Lao resistance, the KPMLF, and so on, people who have been in contact, private sources that have been in contact with these groups.

Chairman MURKOWSKI. So this is your own personal opinion obviously of the situation as opposed to having the accessibility of any classified information relative to your conclusion that the information is invariably the same?

Dr. WARD. I am talking about the things that concern private individuals here that bounce off the walls. They always seem to take us back to the same sources.

Chairman MURKOWSKI. Representative McEwen?

Mr. MCEWEN. Thank you, Mr. Chairman. No questions.

Chairman MURKOWSKI. I am not quite through, but almost.

What is your assessment—I think you have touched on it—of non-government U.S. citizens playing a role in the resolution of the issue of the MIA's?

Dr. WARD. Do you mean, as I might refer to myself and our efforts?

Chairman MURKOWSKI. No, obviously you are in the humanitarian business, and I assume you have gained the respect of the foreign minister or he would not have received you in the manner in which he has.

I am more interested in your assessment of efforts of a semi-clandestine nature that are being talked about and I think the media has picked up on, and the reality that there are probably less of them that are really active than we are led to believe.

What is your assessment of the effort? It is a well-meaning effort, obviously.

Dr. WARD I think it is all well-meaning, but I am concerned about anything that would detract from the present steady forward progress. It is only going to take us those 24 months, perhaps 18 months now, and then we will know.

Chairman MURKOWSKI. You have observed, obviously, the government of Vietnam for some time, and we heard the testimony from Senator Denton with regard to his assessment of their motivation, and I guess you might say an evolution of philosophical changes, but I think that the terminology was used that they have misled, they have lied, and they have done various other things.

Why, outside of the evidence that they appear to be more cooperative, can we summarize that they are not attempting ultimately to mislead us again?

Dr. WARD. I think they have as much at stake in this as we do.

Chairman MURKOWSKI. And that stake, sir, is specifically what?

Dr. WARD. They have built a fence around themselves. They have said within two years we will resolve this issue. They are on record before the whole world that they are going to do this.

Chairman MURKOWSKI. How do you account for our experience where they emphatically deny the existence of living Americans being held against their will both in Laos and Hanoi? We said, all right, we have heard this time and time again, we have gone through the litany of Foreign Minister Thach indicating his willingness to take us around, but still, when we make what appears to be a very legitimate appeal for a Red Cross group or a humanitarian group from the UN to go in so we could see for ourselves, why do you think they refuse this?

They say, well, our sovereignty. You question our word. We are telling you there is no one there. But you know that obviously draws the conclusion of suspicion, and I think our members were unanimous in that observation, those of us who went there, that, gee, you know, you are telling us all this, but you have misled us before, and we are asking if you would please allow an independent group to come in.

Dr. **WARD**. Why would the Vietnamese hold prisoners except to have a bargaining card that they want to play when they want to play it in direct government-to-government relationship?

Chairman **MURKOWSKI**. Well, I know, but that would conflict with your previous statement where you suggested that, good heavens, you know, they are in front of the world now, and the world is watching, and going to take them to task if they do not tell the truth, and then you conclude that, well, they are waiting for the right moment to release these people. I do not see that the two points are harmonious.

Dr. **WARD**. Well, when I say they are on record in terms of the total time frame, when 24 months has elapsed and that has not happened, then let us look at whatever at that point needs to be done. This was their time frame. This was the fence that they had built.

Chairman **MURKOWSKI**. I know, but that time frame was specific with regard to the remains.

Dr. **WARD**. I have understood it to be, and this has certainly informally and unofficially been said to me, that is, the resolution of the issue, and I think they are aware that all of us who have talked with them have realized that at the back of everyone's thinking and in the Chinese checkers you play, the big issue is the live issue.

Mr. **MCEWEN**. After having denied for so long that there are living Americans under their control, is it logical at all that they would ever release them in 24 months or 24 years?

Dr. **WARD**. No problem whatever, sir, when it is to their advantage to do it. Their definition of truth is, it serves my purposes, and as I said, perhaps when you were out of the room, we have listed to them a number of face-saving options, and I think they could multiply that with no difficulty.

Mr. **MCEWEN**. They could say, we have been lying all along, but here they are?

Dr. **WARD**. We have discovered them.

Mr. **MCEWEN**. We have discovered them.

Dr. **WARD**. Sure. Let me say this, that the Vietnamese that I have talked to by the dozens in South Vietnam and by the hundreds of the overseas Vietnamese, where we look at it with the North American mentality and say, why on earth would they hold anyone all these years, this has never been a problem to my Vietnamese friends, not once to my recollection. They say, you do not understand us. This is the way we work. Our clock moves at a different pace from yours.

Please know I hold no brief, sir, for Vietnam. I would like to clarify that in case I give the wrong impression. We operated a rescue ship for two and a half years, picking up their victims. My hands were stained with dying blood, both Vietnamese and American, out there too many times, but I also have said that there comes a time when at last some of us who have said it is in your own practical self-interest to cooperate feel that at last we got through.

Chairman MURKOWSKI. Well, I understand what you are saying. I personally would view an action with unforgiveness if indeed the Vietnamese on one hand say they have nobody and then for their own self-serving purposes when we are dealing with what amounts to very basic humanitarian principle they should suddenly see fit for their own means to suddenly find. That is my own conclusion. I would find a tremendous conflict there.

Dr. WARD. Well, I suppose we could declare war, or we could say we have all been talking about live prisoners. What then do we do when some are found?

Chairman MURKOWSKI. I guess that is the doubt that we will have until it is resolved, the purpose of the hearing, the bottom line, the reflection and the reason that we can still hope. We have a wide menu for that, and maybe we can have some more enlightenment on that in the classified portion that we will be going into.

It would seem that there is some exposure to the Asian tradition and custom of face. In the view that certainly we heard, they were very emphatic that they were not holding anyone against their will.

Mr. MCEWEN. Under their control.

Chairman MURKOWSKI. I beg your pardon. Under their control. Now, obviously the implication is, there could be living Americans of their own choosing.

That is certainly very real, in addition, but, boy, I will tell you, it is my opinion that the American people would really explode to the issue if they tell us this on the one hand and on the next hand they suddenly find people that have been held against their will, but again, that is subjective and not appropriate for me to respond on as Chairman.

But I think your point, your observation on this is significant, and in the record, and it is something that we intend to go into in the classified briefing.

Dr. WARD. Mr. Chairman, may I just say that I, after years of dealing with the Vietnamese, do not think I am altogether naive at this point, but I am ready to sign that 24-month chance to see. There may a tunnel at the end of telight when we get there that calls for more action, but I am anxious to see what happens in the next 24 months.

Chairman MURKOWSKI. Mr. McEwen, do you have any further statement before I conclude this portion?

Mr. MCEWEN. No, thank you, Mr. Chairman.

Chairman MURKOWSKI. I want to thank you, Dr. Ward.

I think that we have compiled a very valuable and worthwhile record in these two days of open hearings. I would invite those witnesses who will testify and the other members who have been kind enough to sit through the hearing to rejoin us Monday in Room 418 at 10 o'clock.

We will recess now and we will reconvene at 1:30 in a closed session, and the witnesses again who will be with us at that time are on a piece of paper somewhere. I am sure they know who they are. They are McIntire, Smith, Mooney, and Howard. They may present themselves to the staff at the Hart Building, the second floor, at 1:30, and we will hear them as individuals.

Again, I thank all of you for being with us, and we wish you all a very good day. Thank you, Dr. Ward.

[Whereupon, at 12:51 p.m., the committee recessed, to reconvene at 1:30 p.m. in closed session.]

"LIVE SIGHTING" REPORTS OF AMERICANS LISTED AS MISSING IN ACTION IN SOUTHEAST ASIA

THURSDAY, FEBRUARY 27, 1986

U.S. Senate,
Committee on Veterans' Affairs,
Washington, DC.

The committee met, pursuant to notice, at 8:36 a.m., in room SR-418, Russell Senate Office Building, Hon. Frank H. Murkowski (chairman of the committee) presiding.

Present: Senators Murkowski, Specter, Cranston, and DeConcini.

Also present: Representatives McEwen and Bilirakis.

OPENING STATEMENT OF CHAIRMAN MURKOWSKI

Chairman Murkowski. Good morning. We welcome you all in from the cold. This morning we begin the third day of hearings on the issue of American servicemen alleged to be still living in Southeast Asia either of their own will or as prisoners of war. The first hearing was on January 28th where the Committee took testimony in open session from individuals who alleged that Americans are being held captive in Southeast Asia currently and from others who are not necessarily of the same opinion.

On January 30th, we had our second hearing. The Committee heard testimony in open session expressing both the opinions that I've already described. The Committee continued in closed session hearing from Lieutenant Colonel Howard, Major Smith, Sergeant First Class McIntire, and Mr. Jerry Mooney, all of whom indicated that they believe that Americans are being held today in Southeast Asia. There has been another group led by Representative Solomon who led a delegation to Hanoi and the House is working on the results of that mission as well.

Basically, the first of our two hearings as I've indicated, express several views on the issue, those who are of the belief that American servicemen are or were recently being held against their will, those who believe the Government is not telling Americans the entire story surrounding the POW/MIA issue and those who can neither confirm nor deny accounts of so-called live sightings but who do support this Government's efforts totally to fully account for the 2,441 MIAs.

From the previous hearings, this Committee received many mixed signals. I think it is reasonable to say that we have not formed any conclusions although I do not attempt to speak for my colleagues but believe that more information of a specific nature is needed to enlarge our understanding of this very complex and very emotional issue. I would like to reiterate that it is the official position of our Government that there may be Americans being held against their will and we will continue to maintain that until we have evidence to approve otherwise.

Now the resolution of this issue depends on continued objectivity. I want to underscore my commitment to consider this issue in that regard striving for greater knowledge and understanding. A full accounting based on the facts is vital to all Americans. Today, the Committee will hear testimony from Representatives of the several Government agencies directly responsible for collecting, evaluating and acting on information about missing in action reports. These witnesses come on behalf of the Administration whose stated goal is to arrive at a full accounting of all of our men still missing in action.

We expect complete candor, cooperation from these witnesses in helping us resolve some of these questions that still linger after our previous sessions both open and closed. Since some information presented in today's testimony by witnesses will address earlier testimony given during closed compartmentation, I anticipate a portion of today's hearing will also have to be closed. Today's witnesses should be aware that no classified information may be discussed during an open session. It is important to strive for a full accounting of those still missing because to leave this issue unresolved will only prolong the pain for the families and loved ones and the fellow citizens, fellow Americans, and pull an even darker cloud over the great sacrifices of those servicemen.

We will have members of the Veterans' Committee in throughout the day. The ranking member is Senator Cranston who will be with us a little later. We have from the House, Bob McEwen. Bob is here this morning. Bob McEwen and Representative Mike Bilirakis from Florida both accompanied me as well as Senator Deconcini from Arizona who will be joining us at a later time this morning.

Bob, I do want to call on you for any statement that you would care to make. I am very pleased to have you join with us. As you know, a decision was made that this was both a House and Senate Delegation Group and your contribution and that of your colleague, Mike Bilirakis, was most substantial in our meetings in both Hanoi and in Laos. I look forward to your statement. Please proceed.

OPENING STATEMENT OF REPRESENTATIVE McEWEN

Mr. McEwen. Thank you, Mr. Chairman. I wish to thank you once again for your charity in showing me and my colleague the opportunity to participate in the investigation of this important issue. Many questions still remain unanswered concerning the unresolved reports of live American soldiers in Southeast Asia. Why do the Vietnamese and Laosian governments continue to frustrate the humanitarian efforts of the United States to resolve this issue.

If these governments contend that they have no knowledge of live American soldiers in their country, why do they continue to refuse an international agency of their choosing whether it be the United Nations, International Red Cross or Amnesty International or anyone to investigate the more than 100 unresolved live sighting reports. As you know, Mr. Chairman, the American people are tiring of the excuses we receive from these governments. We want truthful and honest answers to our questions. Until these governments are willing to cooperate and be truthful in this matter, we will continue to relentlessly pursue this issue until justice is done.

Mr. Chairman, Congressional hearings and fact finding missions should not be needed if America had received the cooperation and the dictates of humanity that indeed the clear provisions of the 1973 peace agreements gave us reason to expect. The issue of missing in action would have been resolved long ago. Moreover, the questions of the families of those still unaccounted for would have been answered. But, the United States has not received the cooperation that compassionate members of the family of man expect. Never in history has a civilized nation engaged in the barter of the remains of the war debt. Never before has a country purely for propaganda purposes toyed with the emotions of the families of these servicemen. It displays a level of barbarism perhaps unprecedented in the history of mankind.

I commend the President in making the resolution of America's missing in action a matter of the highest national priorities. Our Congressional Delegation to Southeast Asia which followed closely on the heels of the joint State and Defense Department Delegation demonstrated to the Vietnamese that Congress and the Administration are united on this issue.

I thank you once again, Mr. Chairman for your kindness and your leadership and look forward to the testimony that we will receive today.

Chairman MURKOWSKI. Thank you very much, Representative McEwen. Representative Bilirakis?

OPENING STATEMENT OF REPRESENTATIVE BILIRAKIS

Mr. BILIRAKIS. Thank you, Mr. Chairman. Sir, it was an honor to have accompanied you and our other two colleagues to Southeast Asia. I have no formal statement. I would merely say that it is my opinion that probably our trip more than any other has caused an awareness in this country on this issue that has not existed previously. I just recently held a series of veterans' workshops in my district and I tried to concentrate on veterans' benefits and benefits for their families but they really would not let me concentrate on it completely. They wanted to hear about the trip and everyplace that I went down there. And I think a good illustration of that is the joint Clearwater and St. Petersburg Bar Associations, a group of lawyers who ordinarily are not famous for being all that concerned about world events, invited me to speak on Lincoln's Day and they refused to hear about Abraham Lincoln, they wanted to hear about the MIA/POW trip.

And so we have really caused an awareness here and it is an issue that this Committee has got to stay on top of and hopefully we will with your leadership. Thank you, sir.

Chairman MURKOWSKI. Thank you very much, Representative Bilirakis. I think it fair to address for just a moment and indicate for those who had not been in attendance at our previous hearings the purpose specifically of the Senate Veterans' Affairs Committee holding these hearings was to provide an opportunity for an open forum for those who had information concerning the issue of live sightings, live Americans in Southeast Asia, in Vietnam and Laos as well as Cambodia. Unfortunately, we were not allowed to go to Cambodia. There was a state of war in that particular area.

The forum I think has allowed and will continue to allow this opportunity from the standpoint of information that has circulated throughout our country on this matter. It today offers an opportunity for our Administration to respond to those statements that had been made previously. The Administration has obviously had a chance to research the record. The Administration has had a chance to reflect on reports that have come in from the joint casualty center regarding various policies. And it is our sincere attempt as we proceed in the process to not by any means suggest that this is necessarily the last hearing. As I have indicated earlier, we intend to proceed into a closed session for a portion of today's hearing and I would anticipate probably at least one more hearing.

What has happened of course in the process is statements made by various witnesses often involve and implicate other witnesses, some of whom are going to be with us today. I am again not speaking for my colleagues but what we are looking for is first hand information, first hand accounting. We hope very much to get that, just as we hope very much during our trip to Vietnam and Laos to get some positive encouragement which is what the American people want, what the Administration wants with regard to the issue of live sightings.

We know what to expect from Government officials that are preaching a litany of policy. However, I think it appropriate to point out that we went beyond that particularly in Hanoi and at the request of the British Ambassador to the United States, a breakfast was arranged with the British Ambassador in Hanoi. At that meeting were Ambassadors from France, from West Germany, from Italy and from the Netherlands and Belgium, excuse me. Senator Deconcini and Representative Bilirakis, Representative McEwen and myself had a very open conversation with those gentlemen. They have of course a formal, diplomatic relationship with the Vietnamese, they have access throughout the country.

I think it fair to say that the conclusion of that conversation while there was a lot of discussion did not lead us to be very encouraged about any information that they were able to impart. That is not what we wanted to hear but I think it is fair to tell you that is what we did to hear.

Lastly, I think it is fair to tell you from the information that I have derived in participating in the hearing from reviewing the record, we are still looking for our first first hand account with regard to allegations of living Americans.

Senator DeConcini has joined us now and has an opening statement. Senator DeConcini accompanied us on the trip. We have had our opening statements previously from our two colleagues.

OPENING STATEMENT OF SENATOR DeCONCINI

Senator DeConcini. I will not be long, Mr. Chairman, and thank you for continuing these hearings. General and Mr. Secretary, I am pleased that you are here. I want to particularly demonstrate my appreciation to the Chairman for pursuing this matter. I think the Administration understands the necessity to follow every lead we have and our Delegation, as has been said, was as thorough as you can be in a day and a half. How much can you learn about the problem first hand by spending a day and a half in Hanoi. I doubt whether we have any final answers. I was not quite as optimistic as the Chairman is that there have been no live sightings there.

Some evidence that we have received will have to be taken up in Executive Session because of the classification. There are some credible witnesses who have testified who are still on active duty today. It is very, very difficult not to place great credence in the information that they gave this Committee. Other witnesses have been relieved of command which is a question of great concern. Now though the information and the details are of a classified nature, it is very important in my mind, Mr. Chairman, that the American people get some answers. They need to know if there's good reason for those things. They need to know if evidence was never turned over. They need to know if it was misplaced or accidently destroyed or destroyed on purpose. I think we've got to clear the air and blow the cloud away from this matter because it is so emotionally charged. This country will never get back to an even keel on this subject matter until these things are put to rest.

It doesn't mean that we have to find somebody who has perjured themselves or that we have to find a plot. But by God, if there is one there, the public deserves to know it. And, if there is someone responsible, we need to know it also. And as we explained so clearly to the Foreign Minister of Vietnam, this is not going to go away. If we are ever going to have normalization with the Vietnamese Government and people, this has to be put aside. Well, part of putting that aside in my judgment is having our own house in order. And I'm quite disturbed because I don't know the answers but I think our own house is in great disarray at this time and these hearings are very important in my judgment. Again, I thank the Chairman for a willingness to pursue this to the fullest extent that he has.

Thank you, Mr. Chairman.

Chairman Murkowski. Thank you very much, Senator DeConcini. Unfortunately, you were not here on my opening remarks but I did indicate that the official policy of our government and my own was that we believe that Americans may be held in some capacity in Vietnam. We will continue to maintain that position until we have evidence to prove otherwise. I'm glad you brought up Foreign Minister Thach, because you will recall collectively that he indicated that they had no Americans being held against their will in his country but he did not rule out the possibility that Americans were in Vietnam. They may, I think he said, be living in caves, they may be living in the hills. But, we can get into that later.

Senator DeConcini. Well, Mr. Chairman, just for the record, if the Chairman would yield, my only reason for being at all in dispute with the Chairman is, I thought you said that in your close analysis of the record that we have seen so far, there was no evidence. I find that a little bit different, but maybe I misinterpreted that.

Chairman MURKOWSKI. Perhaps you did, I said I have seen no first hand of this.

Senator DECONCINI. Well, I dispute that particularly with Lieutenant Colonel Howard. I consider that "first hand" but I would be glad to defer to the Chairman.

Chairman MURKOWSKI. Well, that is where gentlemen differ. Please proceed, Senator Cranston, the ranking Minority Member. It is a pleasure to have you with us this morning. You are always a full participant in all the activities of Veterans' Affairs and this has been an extraordinary opportunity to pursue something that all Americans are vitally interested in and want to see resolved.

OPENING STATEMENT OF SENATOR CRANSTON

Senator CRANSTON. Thank you very much, Mr. Chairman. I'm delighted that you have pursued this matter as vigorously as you have, that you and Dennis and others were able to go to Southeast Asia to pursue this matter. I have the deepest sympathy with those American families who are uncertain about the fate of their fathers, their sons, their brothers. We must pursue this matter until we know all that can be known. It's going to be difficult without a better relationship with the Government of Vietnam. It will be very hard to improve our relations with that country until they have been cooperative in this matter.

I'm somewhat encouraged by what Congressman Solomon found on his recent visit there. Perhaps there is some hope of progress now but I want to assure all concerned that I and this Committee together will do all that we can do. We will pursue this issue as relentlessly, as diligently, and as intelligently as we can in an effort to learn all that can be known and to get back any Americans that are still held over there.

Chairman MURKOWSKI. Thank you, Senator. I would like to take this opportunity to introduce our two witnesses, the Honorable Richard L. Armitage, Assistant Secretary of Defense for International Security, the Department of Defense in Washington, DC. We wish you a good morning, sir, Lt. Gen. Leonard H. Perroots, United States Air Force, Director of our Defense Intelligence Agency in Washington, DC.

Gentlemen, you may proceed.

Senator CRANSTON. If I could say just one word. I apologize for the fact I am going to leave in the middle of your testimony but I have to go down to the White House with the leadership regarding the Philippines. I will be reviewing your testimony and doing all I can.

STATEMENT OF HON. RICHARD L. ARMITAGE, ASSISTANT SECRETARY OF DEFENSE, INTERNATIONAL SECURITY AFFAIRS, DEPARTMENT OF DEFENSE

Mr. ARMITAGE. Thank you, Senator. Thank you, Mr. Chairman. Before I begin, I feel compelled to congratulate Congressman

McEwen on the excellent opening statement and message both for the American people and more particularly to the governments in Indochina. Thank you, sir.

My colleague and friend Paul Wolfowitz will be joining us later. He is involved in the White House briefing on the Philippines and he will come as soon as that is complete. Mr. Chairman and Senator DeConcini and members, I would be remiss indeed if I didn't thank you and congratulate you on your own trip to Southeast Asia and indeed Congressman Solomon and the Delegation he led. You, much more graphically and more eloquently than any Administration witness, can bring home to the Indochina governments the fact that as the elected representatives of the American people you can guarantee them that the issue will not go away until we've received the fullest possible accounting.

And I think most of you know today, we have talks, a technical talk going on in Hanoi today and tomorrow. We also have an excavation in progress in Laos on a crash site.

In the technical talks in Hanoi, we are anticipating to receive the results of the 70 "informations" which the Vietnamese said they have uncovered as a result of their investigations into this issue. We will be discussing indeed the live sighting issue. We'll be discussing the possibility of multiple crash site excavations and we'll be trying to work with the Vietnamese in an attempt to resolve this issue in 2 years or less. It has been their pledge, indeed Minister Thach's pledge, that we could resolve this issue within two years.

I want to very clearly state for the members of the Committee that one of the key aspects of our discussions with the Vietnamese over the years has been the live sighting issue. This has been our highest priority within the whole issue of Americans missing in action. We have tried to indicate to the Vietnamese that we're not looking for revenge, we're not looking for retribution; we're looking for resolution. And today, we have 828 first hand live sighting reports. Of these, 112 are unresolved and of that 112, 63 involve reports of Americans held in more or less classic prisoner of war conditions. And it has to be clear by now to the Vietnamese, the Lao and the Cambodians, that until they resolve the discrepancy cases, those cases of Americans whom we know beyond a shadow of a doubt were in the possession of these Indochina governments, until those discrepancy cases are resolved that there will be no beginning of the removal of the veil of distrust that exists between the American people and the Vietnamese.

I have to address the question of cover-up. Frankly, Mr. Chairman and members, it makes no sense. The American President, President Reagan, brought to the White House a renewed interest in this issue. He encouraged and indeed ordered the Administration to engage in a campaign of public awareness designed to get members like yourselves interested in the issue, designed to get veterans' organizations even more caught up in the issue, designed to bring home to all the American people the fact that we have Americans, right now 2,441, whose futures and fates are unresolved.

It simply makes no sense that that type of Administration would be engaged in a cover-up. The Administration has over the last five years increased the resources and the manning of all aspects of this issue. DIA's manning has been increased significantly, the JCRC's season, manning levels have been increased significantly, the CIL in Honolulu's manning levels have been increased significantly, OSD's manning level has been increased, the LNO office in Bangkok has been increased. We have changed the priority devoted to this issue in terms of intelligence to one of highest national priority. So it makes no sense that this Administration would be involved in a cover-up.

We have had successive leaders of the Defense Intelligence Agency, all professional, competent, intelligence officers and military men. They have each come to the helm, they have each reviewed the issue and they have not reached the conclusion that there is a cover-up. Sir, it makes no sense that these people would be involved in a cover-up. It makes no sense when people, servicemen and women, are involved in this issue, many of them in a voluntary way.

In fact, in the Secretary of Defense's office for the last six years, POW's themselves who volunteered to the issue have been the principal advisor to the Secretary of Defense. It baffles the mind to think that these fellows would be involved in a cover-up, particularly when it involves or could involve their own colleagues who are still in a situation that they know better than any of us.

And finally, our system frankly just won't allow a cover-up. We have Congressional oversight, we have internal investigations of I.G.'s which time and again have investigated this issue. And frankly, they have not come to the conclusion that there is a cover-up. It makes no sense that both sides of the political aisle have over the last four years investigated this issue and pursued this issue and have not come to the conclusion that there is a cover-up.

This issue is not just a duty to General Perroots or to me or to Paul Wolfowitz or to any of my colleagues in the room who work this issue. To us, those of us who served in Vietnam, it is a debt that we owe our colleagues and we owe to their families. Moreover, to those who serve in the Department of Defense and in the Administration in general, it's a downpayment, it's a downpayment to future servicemen and women, they have to know that their government is not going to forget them and just leave them adrift should they find themselves someday unfortunately in similar circumstances.

So I would say to you that allegations of a cover-up are worse than specious in my view, they're absurd and they are insulting. They're insulting to professionals who work this issue. I'll tell you though those allegations of cover-up might detract at some measure from our efforts, they're not going to detract from our determination to get the fullest possible accounting. And finally in the course of your hearings, the professional and personal integrity of some of our military officers has been impugned. They are here today, two of them, Major General Moore and Major General Leuer. They will be able to report to you first hand and to respond to your inquiries first hand regarding their own professional ethics.

And I think you'll come to the same conclusion that I've come to, that these are the most professional of our military officers. With that I thank you very much, Mr. Chairman and members and I'll look forward to your questions.

Chairman MURKOWSKI. Thank you very much, Mr. Secretary. Your entire statement, is it your intention to have it entered into the record?

Mr. ARMITAGE. Thank you very much, Mr. Chairman.

Chairman MURKOWSKI. It is then?

Mr. ARMITAGE. Yes, it is.

[The prepared statement of Mr. Armitage appears on p. 463.]

Chairman MURKOWSKI. It will be entered into the record as read. Our next witness this morning is Lt. Gen. Leonard H. Perroots, U.S. Air Force, Director of the Defense Intelligence Agency. We welcome you to the hearing, General, and wish you a good morning.

You may proceed.

STATEMENT OF LT. GEN. LEONARD H. PERROOTS, U.S. AIR FORCE, DIRECTOR, DEFENSE INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE

General PERROOTS. Thank you, Mr. Chairman, members of the Committee and I do appreciate the opportunity to testify and to give some accounting of DIA's role. I'm relatively new to the job of Director of DIA, being there not quite five months. I had intended to read the statement for the record but I'll make it available to the Committee. My statement gives a rather detailed account of the methodology that our people use in reviewing the data bases and handling the cases.

It outlines and documents the growth that Mr. Armitage has already referenced in the DIA office that handles POW affairs. This reflects an increase that is fivefold since the time of my good friend and colleague Gene Tighe. It includes statistical information similar to that which Mr. Armitage has provided. Those numbers may change tomorrow because they are dynamic and change with our assessments and evaluations and the very stringent review that they currently undergo. It describes the review procedures that we have in the Agency to work these problems from the analysts up to the senior review group, it talks to the Congressional oversight that the Agency has and discusses the DIA people who work this problem. It emphasizes , of course, that all firsthand sightings are carefully analyzed. None are taken lightly and none are suppressed. There is no such thing as a closed case.

But rather than reading that prepared statement, I feel obligated to summarize it for you. The words "breathing fresh air" were used by both you distinguished gentlemen. I think those words are appropriate. I think it's time that we do breathe some fresh air into certain aspects of this problem. I believe especially, that I owe some comments as to the allegations of a cover-up in the Defense Intelligence Agency. I owe it to those dedicated, patriotic, hard working, absolutely tenacious people who are working this problem.

During these hearings, allegations had been made and they have been made publicly in front of those cameras and it does undermine the concerned and, I believe, effective efforts of the agency. I have listened to testimony that describes the DIA almost as an adversary or an obstructionist agency dedicated to debunking reports. I have heard it called an agency that abuses witnesses.

Mr. Chairman and members of this Committee, let me say categorically now that this is not the agency that I head, nor would it be an agency that I would head. While I have been with the agency for only five months, I came in recognizing that it was under attack. I was bound and determined that I would put it under the strongest investigation. I had no reason not to, I am not stigmatized. There is no reason for me not to do this. I found that as a result of these allegations, as has already been mentioned, several investigations had been conducted and all of them exonerated the agency. However, I think it is again appropriate for the public hearing to review those investigations.

From 1984 through 1985, a 10-month rather intensive House Task Force investigation was conducted into these conspiracy and corrupt charges. It was their conclusion that these allegations had no basis in fact. Subsequently, the House Select Committee on Intelligence reviewed DIA's handlings of live sighting reports and determined that a careful, thorough, professional effort was being made. The POW/MIA special office has had two Inspector General (IG) reports in the last 18 months; one of these was conducted by the IG at the request of the Chairman of the Joint Chiefs of Staff in response to assertions that DIA was involved in a cover-up and had abused witnesses.

It was the conclusion of these investigations that these allegations also had no basis in fact. In a further attempt to put these allegations to rest, my predecessor in 1985 ordered senior analysts, independent of the people who work this problem within the agency, to review the professional standards and the internal operating procedures. They judged the effort there to be carried out with high competence. It was as a matter of fact, concluded that the POW/MIA special office should be used as a model for the agency. All this occurred before my watch.

I bring it to the attention of this group because it is important to realize that there are people who looked at these allegations before. I am not confident that everything has been done well; I can only talk to what we are doing now and I intend to do that. Despite these findings, the charges continue and the erroneous damning perceptions that result from these charges are bad. These charges have to be addressed. Many of the misperceptions that have resulted from witnesses at this particular table have to be challenged in public. It is time that we breathe some fresh air into this. This is, in no way, an attempt by me to defame or assassinate the character of any of the previous witnesses. But it is important that we go on record and, with your permission, I intend to identify these inconsistencies.

Starting first with Smith and MacIntire, a statement was made by Mr. Smith that he had specific instructions from DIA to look into the Gritz' operation to rescue American prisoners of war in Laos in 1981. He stated that he had verified the fact that the U.S. Government was involved with Gritz and he turned his information over to the Defense Intelligence Agency. The fact is that it is not true. The U.S. Government was not involved in Gritz' operation to rescue prisoners. DIA never discussed Gritz' mission with Smith and did not instruct him to review the Gritz operation.

In his statement, Mr. Smith indicated that in 1981 he had provided photographs of 22 different individuals to DIA. He subsequently said he provided names of 22 prisoners and almost 200 photographs of missing Americans to the Defense Intelligence Agency.

Senator DECONCINI. Mr. Chairman, excuse me for interrupting. I take exception that we have asked all other witnesses to take an oath here. And, we are in the midst of contradiction of former military officers and for some reason, we are not moving in the same standard here. I want to be sure that the witnesses understand, I am not questioning their veracity one iota but I think it is important that we have the same standards because these gentlemen before you were put to that test and if the Chairman would so do, I would request we do that.

Chairman MURKOWSKI. That's a good point. I'd intended to do that prior to the questioning but I will do it now and we will just assume it to be retroactive to the time of the testimony. Is there any objection to that?

[Witnesses sworn.]

Chairman MURKOWSKI. Thank you, gentlemen and Senator. Please proceed, General.

General PERROOTS. To repeat. In 1981, Mr. Smith indicated he provided photographs of 22 different individuals to the Defense Intelligence Agency. He also stated that he had provided names of 22 prisoners and almost 200 photographs of missing Americans to the Defense Intelligence Agency. The fact is that the only names or reports that he provided to the Defense Intelligence Agency were two intelligence reports in which three POW/MIA names were mentioned. Smith and MacIntire provided these two reports to the Army intelligence unit in Korea which is the 524th group. The three names provided in the Intelligence reports relate to one individual who was never missing in Southeast Asia, one man who died incaptivity in 1961 and whose death was witnessed by U.S. returnees and one name which was obtained from a dog tag.

In his statement, Mr. Smith reported that Defense Intelligence Agency representatives debriefed Mr. Smith in Korea regarding his POW/MIA information. There was no DIA representative in Korea at the time. Smith was debriefed by a member of the 524th MI Company. In his statement, Mr. Smith said that since March 1984, he had sought a U.S. Government forum to discuss the issue. The fact is that he had no direct contact with the JCRC or DIA on this issue. In fact, he avoided any contact with DIA. In his statement, Mr. Smith said that the U.S. Embassy officials in Thailand had compromised the Thai officer who provided POW/MIA information to Smith and he also stated that DIA was personally responsible for the death of a Lao agent. He also stated that the Thais had confirmed information relating to live POW's. This statement is simply not accurate. The fact is that a contact between the main Thai officer and a U.S. Government representative confirmed that no compromise of the Thai had occurred, that the Thai officer stated that he emphasized to Smith that the U.S. POW information they had was all hearsay, and that the Thais put little credence in the report provided to Smith in Bangkok. DIA knows nothing of a Laos agent nor of his reported death.

In his statement, Smith indicated that in 1981 he provided DIA photos of Americans living freely in Southeast Asia. One of the Americans depicted reportedly was a member of the U.S. Army. Reportedly, he was accidently left behind in 1975 when Vietnam fell and was still fighting with the Vietnamese "resistance." He also said that in 1985 he brought from Korea copies of these photos. The fact is that Mr. Smith made no attempt to pass these photos to DIA and, to the best of my knowledge, these photos have never been provided to any U.S. Government entity. As I understand it, Mr. Smith had offered to provide these photos and additional documentation to this Committee "within a week." It has been a month. I would like to have that information, not to degrade Mr. Smith, but to get on with the investigation with the sense of urgency that is required.

In his statement Sergeant McIntire reported seeing a photo of an American named Greg Kamm with a missing left hand and that Kamm was reportedly in captivity. The fact is Greg Kamm's name has been previously reported by Lao refugees as being a prisoner in Laos but Kamm was a Peace Corps worker in northern Thailand and he has both of his hands.

In his statement, McIntire stated that he was not debriefed by DIA. On 30 July 1985, DIA interviewed Sergeant McIntire on tape for three hours concerning his POW/MIA information. The first question on the tape in the interview was, Do you have any significant information relative to POW's? He said that he has "nothing tangible." That was about two months prior to his law suit affidavit in which he said there were 200 POWs. The response to questions on first hand POW/MIA information was that there was nothing tangible. Then Sergeant McIntire said that he provided Maj. Gen. Steiner of the special operations outfit in Fort Bragg a packet of POW/MIA information from indigenous sources and he indicated that during his interview with DIA, he saw the packet but it was in "a different configuration", suggesting some sort of tampering.

Now the fact is, when Sergeant McIntire handed the packet in at Fort Bragg, the pages were numbered sequentially. McIntire was shown the packet during his DIA interview. Separate enclosures were unstapled but they were unstapled from the packet for discussion purposes. DIA has the complete packet. I will make it available to this Committee and it is numbered sequentially with no deletions.

In his statement, Smith reported that he had an Asian net of 10 sources which he later changed to personal contact with 50 sources who provided him POW/MIA information. The fact is that Sergeant McIntire on tape during his DIA interview stated that all POW information provided to Smith came through him, McIntire, and from his exclusive sources.

In his statement, McIntire stated that the most significant POW/MIA report he had seen concerned a May 1984 report that three U.S. POW's were ready to cross the MeKong. The fact is the information in the May 1984 report has been received through several hearsay sources. We find no substance in the information. McIntire in his official reporting to us indicated that he had hearsay information concerning two not three U.S. POW's in Laos. The two included two of the three that Smith had reported on; one prisoner died in captivity and one who was never missing in Southeast Asia.

I am sanitizing this next section because certain features of it are classified. We can make it available for the Committee. In his most recent statement, Smith had indicated that he had seen a 248 minute video which shows approximately 39 Caucasian prisoners and that the video is in possession of certain high ranking intelligence people in a foreign country, and that this information was brought to the higher levels of echelon in our Government. Now this has made the press in North Carolina and other places so it is incumbant upon us to respond.

The fact is that my friend Red McDaniels advised me of this and he indicated that Smith allegedly had this tape and that Mr. Waple who is Smith's attorney either had a similar tape or had the film itself. We attempted to contact Mr. Waple and he didn't return DIA's calls. Waple subsequently told the Assistant U.S. Attorney that he has no film. We have to pursue this. What is important is that we have to have that film. My representatives who are the Defense attaches in the host nation pursued a vigorous investigation into the matter. The host nation senior Intelligence people investigated this claim. They state emphatically that the meeting as described by Smith did not and could not have existed. They know of no video tape showing American prisoners as described by Smith.

Now, I'm not suggesting, Mr. Chairman and gentlemen, that there is no film. I hope, as I think he is attempting to do now, Mr. Smith is pursuing this and is trying to find that film. My point is, one cannot have it discussed in the press and then leave it. We have to pursue this case. I need the film so that we can press an analysis in the proper way.

Colonel Howard stated for this Committee that over 125 POW/MIA reports including over 100 photos of Americans in captivity were provided to his office by Smith and McIntire. He also stated that positive identification could be made from many of the photos and that many POW names were provided.

With all due respect, this is not consistent with the facts that we have available to us. As I stated previously, only three POW/MIA names were released in IRs submitted by Smith and McIntire through Howard. Now, if there are some others, I would request that they be made available to the people who have to work the problem.

Concerning Scott Barnes, although Barnes made various statements, I will only address several of them. He stated that the U.S. Government had sanctioned his mission to identify and extract U.S. POW's. He reported that he was later told to liquidate the U.S. POW's he had observed. He said that under oath. Now we cannot let that go unchallenged. That has to be pressed.

The fact is that we have no information to support his claims. The Government that Barnes claims told him to liquidate American prisoners does not represent any Government that I stand for. Scott Barnes had no affiliation with any U.S. Government organization relative to the POW/MIA issue. He further stated that he had received physical threats from a Colonel Johnson of my organization. Well the fact is that is not true. Colonel Johnson is Brigadier General Shufelt's executive officer. He not only never threatened Barnes, he never met Barnes. He talked with him twice on the telephone as we were pursuing an effort to meet with Barnes because of my insistence that nobody should be rebuffed and that we have to pursue any witness. We subsequently had a conversation by phone with Barnes and nothing of substantial importance was provided by him.

Barnes stated that he was aware of the General Aaron letter in which the former Deputy Director of DIA allegedly wrote to Bo Gritz and requested that he conduct the rescue of U.S. POW's. Now, the fact is, we do not think the letter was written by General Aaron. Aaron is deceased now so it is difficult to prove. A former director, my friend Gene Tighe, says it is probably a forgery. He was the director at the time when Aaron was Deputy Director. It is inconceivable to me that he would not know of this letter.

In his statement, Mr. Cressman discussed before your Committee the case of a named American prisoner in which the prisoner reportedly provided a letter and his fingerprints. Photos of the alleged prisoner were also provided. He inferred in his testimony that he was less than satisfied with DIA's analysts. I have a special interest in this one because I took the time to review it as an example of a case in which I could find some problem with the way it was handled.

Well, the fact is that the photo, the letter and the fingerprints were not those of the claimed individual. Cressman himself stated that the fingerprints do not match and the photo was too poor for analysis. I am not sure that is the case. I saw the photo and it was provided to the alleged prisoner's son—a 15 year old at the time of his father's loss. He said that the photo was not that of his father. The wife said it looked something like him. But the point is that the letter was obviously a fabrication to me and I'm now talking as an analyst. It was written by somebody in pigeon English, and the salutation was addressed to his mother and father. The individual knew that his father was dead even before he went to Vietnam. The fingerprints were not the individual claimed. These are the analytical judgments that are important. Finally, allegations of abuse of refugee sources have been made by witnesses. The charges have been investigated by the DIA IG, and as you know, and no substance to these charges was indicated. I have looked into the allegations made since I have been Director. Let me tell you that the refugee sources are treated very well. They are put in good hotels, reimbursed for lost wages, their travel is paid, and they eat at very good restaurants. It is appropriate that we do that. They are actually taken into some of our analysts' houses to develop a good relationship. Sources recontact the debriefers after their interview in order to provide further leads and other reporting. If anybody has any substantive, concrete evidence of any kind regarding abuse of sources, I would request that it be provided to me and I will take appropriate action. The point is that it will never happen while I am director of DIA.

And finally, sir, I want to say that there is no cover-up in this agency, certainly not now. I will open our files to any Member of the Congress. We have dedicated over 700 manhours for one Congressman alone and it is appropriate that we do that. Now, there may be a cover-up, but the cover-up is on the side of those people who make claims of names and positive information, but it is not provided to those people who need to investigate it. That is the cover-up involved in the POW/MIA issue.

I simply want to close by making a few comments that are pertinent. The question is how is DIA functioning now? I have responded as best I could to all of the areas where there may be a weakness. I cannot attest absolutely or categorically as to what happened in DIA 7 or 8 years ago but I can respond and establish the means to preclude any perceived weakness in procedures from happening again. The allegation has been made that in the past too much decision making power has been left in the hands of the analysts. We have many different levels of review procedures. I have insured that this awesome burden does not rest solely on the analyst. There is adequate review in DIA.

The charge has been made that we do not have enough assets. I have added five more people to the POW/MIA office this week. I have also ordered that another group review all of the contentious cases to see if there is an area where we have to accelerate our collection or analytical efforts. All of DIA's actions are based on the assumption that there are live Americans in Southeast Asia. The leadership guidance that I give demands that they be open and inquisitive. The only preconception concerns any real or apparent errors in procedures or analysis. If any deficiencies are found, they are corrected. If this means continuing to pursue sources who have not been contacted in years then we will do it. We intend to explore any avenue to find new sources and we will make appropriate policy recommendations to our superiors regarding any potential options resulting from any leads.

I need to emphasize that I will operate under the assumption that every source is valid and that we will follow every lead. I have invited my friend and colleague, General Tighe, a previous Director of DIA, to come to DIA for as long as necessary in order to get updated on all of the cases that are pending and our follow up actions. He has agreed to my invitation. He will be assisted by individuals of his choosing. We formalized the methodology during my first week as Director. We recently finalized the agreement. As I have previously stated, I have a four man team currently reviewing the POW/MIA analytical procedures. I have also established a senior review group that meets weekly to review the analyst's research in an attempt to discover if any fallacy exists in the methodology or the evaluation made. I proposed to Mr. Casey, the Director of CIA, that we have an inter-agency review group to coordinate our intelligence collection efforts. Senior or General Officer level representatives meet to conduct this review. This examination reviews what we are currently doing regarding collecting assets and what we can do to pursue this issue in an aggressive manner. As I have previously mentioned, I have directed that the POW/MIA office be augmented by additional personnel. I want to emphasize that I take our efforts on this issue very seriously. I also share Mr. Armitage's view that we applaud the effort of this Committee, Mr. Chairman.

I might add that I did not mean to demean any of the efforts or any of the people that have testified before this committee. I had to set the record straight. Because of what was said before your committee and the T.V. cameras. There are a core of people, Mr. Red McDaniel, Gene Tighe, Admiral Tuttle, Congressman Hendon, all of whom are my friends and most of them are very sincere, who have sincere concerns. These concerns have to be answered. I am here today to try to answer those concerns. Thank you very much.

[The prepared statement of General Perroots appears on p. 472.]

Chairman MURKOWSKI. Thank you, General, and thank you, Mr. Secretary. I think that what we have indicated is the purpose of the hearing to offer a forum for all sides of the the issue is being carried out. I very much appreciate the extensive manner in which your testimony was presented and I would start initially with a question to the staff as to whether or not we have received any pictures, video tape film from any of the witnesses that testified in either of the two hearings to your knowledge.

Mr. PRINCIPI. No, sir. We have not received any additional information from either Smith or McIntire and to the best of my knowledge, we have not received any other information of a substantive nature from any of the witnesses.

Senator DECONCINI. Mr. Chairman, may I also ask a question of the staff? When was the last time you talked to Smith about the video?

STAFF. About 2 weeks ago.

Senator DECONCINI. Two weeks ago and will you share with us, if it is not of a classified nature, what he said he was doing about getting us that?

STAFF. Mr. Waple, who represents Sergeant McIntire and Major Smith, said that Major Smith was attempting at this time to secure the video which he spoke of in closed session but has not been able to respond.

Senator DECONCINI. And, may I ask the same question, Mr. Chairman, about the witnesses that Mr. Smith said he would attempt to get to come and visit us as a result of our closed hearings?

STAFF. At this point he has not been able to get anybody else to come visit the Committee or speak to the Committee.

Senator DECONCINI. As of 2 weeks ago?

STAFF. Yes, sir.

Senator DECONCINI. Thank you, Mr. Chairman.

Mr. BILIRAKIS. Mr. Chairman, when did Major Smith advise us that we could have that video? I do not really recall.

Chairman MURKOWSKI. As I recall, and I have to defer to the record but he said he would try and get it.

Mr. BILIRAKIS. He never specifically stated that he could get a copy.

Chairman MURKOWSKI. I think he made a specific statement he would get us some information in a week but I do not think it would be fair to construe that he was including the video. And, I am under the impression that we have received no information other than the meeting with this counsel.

General PERROOTS. Mr. Chairman, I may have some information which may shed some light on this subject. Although I was not in touch with Mr. Smith directly on this issue I did contact an intermediary who indicated that perhaps Mr. Smith was having some problems obtaining the film. I passed the word to the intermediary that I would be personally available to help him in any way to do whatever is necessary to assist him in getting that film. I would like to make that offer again in public testimony.

Chairman MURKOWSKI. Mr. Secretary, you stated in your testimony that the POW/MIA issue must be resolved outside of any political context. I wonder if you could elaborate a little bit what you mean by that. You volunteered it and I think it is appropriate that we take you up on it.

Mr. ARMITAGE. I think it is appropriate indeed, Mr. Chairman, that we have determined and the Vietnamese Government has determined that the issue of Americans missing in action is a humanitarian issue and should not be, in my words, held hostage to any other progress on any other issue. For instance, progress towards normalization or something of that nature. It is not to be affected by the other relations that might or might not exist between our two countries. I think this is appropriate. It is the only way to proceed where we can get the fullest assurance of some cooperation.

Chairman MURKOWSKI. I might add for my colleagues that we are going to have 10-minute question rounds and then we will come back again to each of the colleagues. You also stated that undisputable evidence is necessary before any action can be taken to obtain the release of Americans. And I am curious to know your definition of that because it is rather narrow. And I think it fair to say that we have had an awful lot of information and you are using the word evidence and I am curious as to how you define that narrow——

Mr. ARMITAGE. I will attempt to. With all due respect, Mr. Chairman, the word indisputable was not one that is in my vocabulary generally. I do a lot of public speaking, I may have said that particular word but generally on this issue, I do not remember saying it. And I would like to check the record on that. I have said however that credible source and credible information is what we need and ideally if we were to actually come to the conclusion that this was good solid evidence and not just information, we would ideally want to have that information from a credible source and the credible information cross-checked with some other credible information, either technical information or information gotten from technical means or another good source. But thus far we have had no reports that meet that criteria.

Chairman MURKOWSKI. If you had information, government sources or some other source where you were satisfied that indeed there was an American or Americans being held in Southeast Asia in any capacity, would it be a policy of our Government, would you be willing to recommend that we pay those that may have them captive to get their release?

Mr. ARMITAGE. No, I would not recommend that we pay to get anyone out. I do not see how the payment, the ransom in any way, shape or form, assures that some subsequent prisoner in some subsequent conflict may be returned alive. In fact, it may be that they are more valuable dead under those circumstances. And second of all, I think that it is pretty well accepted internationally that payment encourages terrorism, things of this nature, instead of discourages it. It will not particularly lead to a rapid resolution, so I would not be prepared to advise that we ever pay any sort of ransom for live prisoners or for remains, Mr. Chairman.

Chairman MURKOWSKI. There is no information revealed in public testimony concerning a possibility of payment for any prisoners that allegedly may have been involved in testimony before this Committee?

Mr. ARMITAGE. I know of absolutely no suggestions of payment by any U.S. Government official or source to someone for information. I do know of private citizens who have paid in some cases enormous amounts of money for information and to my knowledge have not gleaned any information from those payments.

Chairman MURKOWSKI. Do you know, has our Government ever suppressed any information concerning live sightings and I recognize that this issue has been before our Government and the American people for some time and both of you have had different responsibilities. So I would appreciate your qualification and I would like to address the question to both of you.

Mr. ARMITAGE. I will definitely speak from the time that I assumed office in a previous post in April of 1981 until now, absolutely no suppression of information. There has been classification of information, particularly sources and methods, but that information is available to you or any of your colleagues but there has been no suppression.

Chairman MURKOWSKI. General Perroots?

General PERROOTS. Under oath, no suppression of information in any way, shape or form.

Chairman MURKOWSKI. What is the motivation that the Vietnamese or the Lao governments may have for holding Americans against their will currently? Can you dream up any scenario? One obviously would be a ransom concept, other would be concessions that they would want from our Government. The reason I ask this, it is a question that does come up in conversations that they do have a motivation and my question to you, you are the expert, what might it be?

Mr. ARMITAGE. Experts I have been told can only tell you what went on in the past and cannot tell you what is going to happen in the future and that is the problem with experts. So, with all respect, I will not accept that title. I am asked as you are, Senator DeConcini and other of your colleagues, why would the Indochina governments be involved in a situation such as this and my speculation or scenarios are just as valid as yours. I do not know, some people say that perhaps we do not understand the degree of hatred and anger that existed in Vietnam because of our involvement there. I do not particularly subscribe to that. Others say, it has to be related to some sort of scheme for normalization or some sort of scheme for payment or some sort of quid pro quo.

That has not been broached to us by the Vietnamese per se. I do not know. I think the question must be directed to Hanoi and Vientiane and Phnom Penh and they hold the answers, they are the ones that can answer that truthfully. And with all respect, I cannot.

Chairman MURKOWSKI. Switching over a little bit to consideration of those that may be in Vietnam or Laos and are not being held by either government—and this is, at least in my recollection—has not been denied by the Vietnamese Government, they have not denied as they told us that there may be Americans being held in some capacity but they were not holding them. How does that affect your efforts to secure their release if indeed that is a separate category that there may be Americans living there of their own free will?

Mr. ARMITAGE. Well, from our point of view, if Americans are living there under their own free will or under any circumstances, we still want an answer. We owe that answer to their families, we feel. So, whether they are living there under their own free will or not does not detract in any way, shape or form from our efforts. I think that if there are Americans under circumstances outside the control and authority, which is the term the Vietnamese use, of the Vietnamese then I think that complicates in a way our efforts. It makes it a little more difficult, it is a little more difficult to get a handle on but it would not detract from our efforts in any way, shape or form.

I think further there are some confusing statements coming in the wake of our three delegations, the one that Paul Wolfowitz and I went on, then yours, sir, and then Congressman Solomon's. It seems that the Vietnamese subsequent to Congressman Solomon's trip came out and said that if there are Americans in Vietnam in any circumstance they are people who are either stay behind agents, American agents or people inserted after the fall of Saigon and not people who were previously under their control in any way. I think there is a lot of confusion surrounding what the Vietnamese said or did not say in private and public statements.

To me and I believe to you, they said that there are no Americans under their authority or control. That obviously begs the following question, well how about out of your authority and control and they answer well, you know what you know, you do not know what you do not know. And so that still leaves us with a lot of ambiguities.

Chairman MURKOWSKI. My last question, my time is up on this round. It occurred to us and I think each one of us addressed the question to the appropriate minister. Why do not the Vietnamese and the Lao governments respond to our suggestion that they allow a humanitarian group such as the Red Cross, or the U.N. to go into the country, observe for themselves and the answer that we got was, this was a sovereign issue and I am wondering, you as an official extension of our Executive Branch representing the Intelligence area have been involved in direct negotiation, what is your opinion of their reluctance to allow a humanitarian examination of this issue within their country?

Mr. ARMITAGE. My own opinion, sir, is that their reluctance is based on several things. First of all, no one can underestimate the sovereign concerns of the Vietnamese. A history of Vietnam over the last certainly 1,300 years or so would indicate that nationalism is their thing that is foremost in their minds at all times. It is a national trait of Vietnam. Second of all, I happen to think that there is a reluctance to allow these type activities because there might be some reluctance to show what has happened in the last

10 or 11 years since the fall of Saigon, that is nothing, 10 or 11 years of nominal peace and no progress.

And I think there is a bit of embarrassment at that. The stated concerns of the Vietnamese are always ones of sovereignty just as they stated those concerns to you.

Chairman **Murkowski**. Senator DeConcini, I intend to have a full 10-minute round of the Secretary and then to General Perroots even though I had asked him one question.

Senator **DeConcini**. That is fine, Mr. Chairman. Mr. Secretary, first let me say that I want to thank you and also the General for the information you gave us prior to our departure and since on this subject matter. Second, let me say, Chairman Montgomery told me some time ago that when you wade into these waters which he says he has done, you make no friends. He says our Government and fine military leaders sometimes will accuse you or at least infer that you are attacking their veracity. And those that believe and are certain in their own minds that there has been some coverup will not be satisfied unless you find it. And he has concluded that there is not, and I hold his opinion in the highest esteem.

I am wading into those waters reluctantly. I do not need this any more than the Chairman does. We have got plenty on our platter to do here but we are here and we have to deal with the here and now. I first want to thank you for your strong statements, particularly you, General, in refuting item by item the statements that have been made by other witnesses that I feel were credible when they made them. I do not know whether their imagination has played games with them or if they have forgotten, or if they are telling the truth and somebody else is not. The important thing is that we go through this process so the public as well as ourselves can make the judgment of who is telling us the truth as to what is happening.

Now, Mr. Secretary Armitage, you indicated some of the possible scenarios why the Vietnamese would not permit us to have either international or humanitarian groups or our own groups go in there, is it our policy to continue to press for such expansion of our technical humanitarian meetings to permit someone other than the Vietnamese to follow leads and make searches in Vietnam and when was the last time that was made and what was the response if such happened?

Mr. **Armitage**. Very well, prior to responding to your question if I might make a comment, Senator. We are delighted that you are wading in and we would like every other member of the House and the Senate to wade in and immerse themselves totally in the issue, otherwise it could possibly in some subsequent administration get away from us. We cannot allow that to happen. So we welcome you, come on into the pool.

The second thing is in answer to your question, we are having discussions today in Hanoi and we will be pursuing a nuance change which the Vietnamese indicated during the visit of Jerry Solomon's Congressional Delegation. That is they said, they are willing to discuss the possibility of Americans assisting in these live sighting investigations. This is a slight change in their previous posture and we are pursuing that today and tomorrow.

Senator DeConcini. Along that line, I understand, at least from the news reports, that those slight changes came from the Deputy Foreign Minister and not the Foreign Minister, is that correct?

Mr. Armitage. You are correct. Foreign Minister Thach for whatever reason did not receive the Delegation, sir.

Senator DeConcini. Do you think that the Deputy Foreign Minister is likely to have the authority to speak for the Foreign Minister when that was said?

Mr. Armitage. It has been my opinion that the Vietnamese, unlike us sometimes, in their bureaucracy do not make mistakes; they get one set of talking points.

Senator DeConcini. Thank you. Now, Mr. Armitage, Red McDaniels, in the testimony presented to the Committee on his behalf by Joan Carlson, states that Mr. Childress told him in a phone conversation that he believed there are live POW's in Southeast Asia and he thought we could get them out in 2 to 3 years. Has Mr. Childress ever expressed those views to you and do you hold any similar views?

Mr. Armitage. Well, I'll tell you first of all, Mr. Childress has been one of the driving forces behind the whole reenergizing of this issue in the Administration from day one. Number two, I will not speak to Dick Childress' private observations and he can indicate those to you privately. I am sure that he will be glad to. But I will say that everyone of us from the day we came into the Administration came in with the thought and the feeling that we were going to act under the assumption that there are Americans alive and that is what we come to work with, an assumption everyday. It is the only way, it is the only possible way to assure that when we see reports and we get information that we prosecute them fully. So we work under that assumption every single day.

I am uninformed of the conversation between Childress and McDaniels. I did not see the report in the transcript.

Senator DeConcini. You have not had any such similar conversation with Mr. Childress as reported in the affidavit that was filed in the court case?

Mr. Armitage. I have had many private and personal conversations with Dick Childress but I am unaware that I was named as having particular conversation with him in the affidavit.

Senator DeConcini. No, I did not mean that.

Mr. Armitage. No, I have not had——

Senator DeConcini. Making references, did you have a similar conversation that Red McDaniels says in his affidavit that he had with Mr. Childress?

Mr. Armitage. Well, I have had discussions with Mr. Childress along the lines of resolution of the issue within two years. After all, we traveled to Hanoi together and have done it in the past together. So, we have had those type of discussions. But I have not had the specific type discussion that Mr. McDaniels had.

Senator DeConcini. A former Director of the DIA, General Tighe, has stated that he believes there are as many as 80 live Americans being held against their will in Vietnam. Have you made any attempts to personally discuss this matter with General Tighe?

Mr. ARMITAGE. I have not personally because we responded to General Tighe through General Perroots. He indicated in his opening statement that he has invited General Tighe to come in with a group to go over the information, the information that existed when General Tighe was Director of DIA and the subsequent information which has been received and see how he can make up his mind. But that decision to invite General Tighe was a group decision.

Senator DECONCINI. Now, may I ask the General, have you had any discussions with General Tighe? Have you made any attempt to discuss the matter with him?

General PERROOTS. I have, of course, discussed this matter with General Tighe.

Senator DECONCINI. What have you done?

General PERROOTS. General Tighe said that he wished he had not attributed any figures to the press.

Senator DECONCINI. Did he say why?

General PERROOTS. Well, it might be because he recognized that it had been five years since he has seen any information pertaining to these live sighting reports. That is one of the reasons which prompted me to request that General Tighe come in to review the reports. I told General Tighe that he could not make those statements unless he knew exactly what the data base contained and what the evidence was which lead us to our conclusions. General Tighe has agreed to conduct this review.

Senator DECONCINI. When is he going to do that, General?

General PERROOTS. We met yesterday regarding the terms of reference and he will be on board certainly within the month. It is a question of arranging to get the permission of all the participants to his group. We are also talking about another senior review group over General Tighe's analytical group. This senior group would include such people as General Flynn, General Dougherty and others.

Senator DECONCINI. Can we expect that you will share with us contents of that conversation or what transpired?

General PERROOTS. Absolutely.

Senator DECONCINI. Mr. Armitage and Mr. Secretary, you make a case that it makes no sense that anybody in our Government would cover-up any such matter as this. And I agree with you, but it just absolutely boggles my mind that Lt. Col. Howard, a decorated man who has served this country so well, comes to us and tells us that he saw these photographs that General Tighe says never have been seen.

Mr. ARMITAGE. General Perroots.

Senator DECONCINI. Excuse me, General Perroots says that they have never been seen, and that he received them from Smith and he has talked to McIntire, who turned them over to Smith, and he gave them to General Leuer and they are not there. Now that makes no sense to me. So, it seems to me, the only scenario that makes sense is, someone does not remember what happened or they have used their imagination. How do you in your mind rationalize a fine, distinguished, active military officer having such vivid information. I do not take it lightly that he believes they are still there, that he would go over and serve himself if he could get them out. He left a distinct impression of such a strong commitment.

Can you respond to that to help this Committee and particularly this Senator resolve why there is such a tremendous difference in recollection on this matter? Colonel Howard is someone who is no longer in the service and maybe has other motives. This guy has no other motive but to get to the bottom of this?

Mr. ARMITAGE. I do not disagree with Lieutenant Colonel Howard's motives at all and I salute and believe as you that he indeed would serve gladly, proudly in any attempt to free American servicemen. And we have never impugned his motives and will not impugn his motives. He knows his motives much better than we. It does boggle the mind. I will say that if he did turn over photographs, General Leuer is here. You can ask him first hand what he has received.

Senator DECONCINI. I am going to.

Mr. ARMITAGE. I think the only thing I disagree with Lieutenant Colonel Howard on is a matter of conclusions. I see a great deal of information, I take it very seriously, and I have not come to the same conclusion he has. Many people hold the view that there are Americans in Indochina now held against their will, and as Lieutenant Colonel Howard clearly does. Others hold the view that you expressed earlier, some members of Congress hold the view, some members of the public hold the view that no, there are not. The opinions span the spectrum. We hold the view that we assume there are so we can work the issue. And I would have to ask you to talk to Major General Leuer about what was provided to him by Lieutenant Colonel Howard. He is pleased to do that.

Senator DECONCINI. Have you talked to Lieutenant Colonel Howard at all?

Mr. ARMITAGE. No, I have not.

Senator DECONCINI. Okay, I recommend you do that sometime. Thank you, Mr. Chairman. I have other questions but I have overextended my time.

Chairman MURKOWSKI. Thank you very much. I intend as I indicated to go another round of questions. We have been joined by a member of the Committee, Senator Specter of Pennsylvania.

[Audience disturbance.]

Chairman MURKOWSKI. If there are any more outbreaks of emotion shown here at the hearing, I must remove those and hold them responsible as I am sure you can understand. The purpose of this hearing has been stated and I do not intend to restate it.

Do you have a statement? We are in questions at this time and I have my two colleagues who made the trip with us from the House, Senator, Representative Bilirakis and Representative McEwen who are about to question the witnesses.

Senator SPECTER. Mr. Chairman, I wonder if I might explore just one topic very briefly. I am obligated to be in the Judiciary Committee. Thank you, Mr. Chairman. First, I commend you, Mr. Chairman for all that you have done, the trip that you have made and for focusing so much important national attention on this very vital problem. I have an obligation to be in Judiciary Committee at 10:00 and I wonder if I might just pursue one question.

There has been a great deal of controversy as to credibility of the reliability of sightings and reliability of who has said what to whom and this may have been covered I do not know but the question on my mind is whether any attention has been given to the possibility of a polygraph examination in this line. That is a highly controversial subject. It is a matter that I have worked on a great deal when I was District Attorney. There are many who say that it is not reliable if not properly administered. There is a controversy as to the use of it in the Government generally with the position taken by Secretary of State Shultz and I think there is a great deal to be said for the protection of civil liberties.

My own findings have been that if there are expert polygraphers that it is an indication of reliability but it has to be very carefully done. This is a very critical factual question where there is a clear cut issue of credibility. And it may be and I do not advocate the use of the polygraph generally but it may be that the polygraph would have some special utility in trying to find out very, very narrow facts. We used to use it in law enforcement when I was D.A. at Philadelphia. My question is whether you have given any consideration to the use of the polygraph on these issues of conflict of credibility?

General PERROOTS. Senator, the polygraph has been used on a selective basis for emigres and in several cases there have been inconsistencies noted. We are carrying a case where a refugee has passed the polygraph twice but all the other features of his story were found to be not in accordance with either what we have confirmed from other sources or what has been confirmed through technical means. So, there are some problems with the polygraph.

In summary, we have used the polygraph as an analytical tool in order to determine a source's credibility. I am not sure of the extent of our use of the polygraph in terms of percentage of total refugees polygraphed. We have no inhibitions against using the polygraph if we believe that it is a proper course to take and we do use the polygraph as required.

Senator SPECTER. Well, I would suggest that you take a look at that issue especially where people are willing to do it. If people are willing to do it, that is a very different situation. Mr. Chairman, I commend you, I regret that I cannot stay. I want to just say for the record that I will follow the transcripts. I think this is as important a hearing as is being conducted on Capitol Hill today and there are a great many hearings which are going on. There is none that is more important to this and I pledge my own personal time and staff to try to get to the bottom of it to make a resolution of this very critical issue for the national welfare. Thank you.

Chairman MURKOWSKI. Thank you, Senator Specter. I will now refer to my colleagues from the House who joined with us on our trip to Vietnam and Laos, Representative Bob McEwen of Ohio. You may proceed, as I indicated we are roughly under 10 minutes the first round.

Mr. MCEWEN. Thank you again, Mr. Chairman. Gentlemen, let me just present what I feel might be the case and then if you could enlighten and correct me. It is my understanding that about 1978, it was a desire of Congress and the Administration to try to draw a resolution to this matter. There was a Congressional task force set up and all the investigations were made and they came to their conclusions and then the line was drawn, the door was closed, the chapter was ended and in order to move on and put Vietnam behind us they drew their conclusions that no more missing in action were alive in Southeast Asia.

Is it not conceivable that once that policy decision was presented that there were those in the intelligence field or in the military that felt it was then incumbent upon them to implement that policy decision by not questioning it or allowing information to surface that would challenge it. And is it not also possible that those who then came across information and attempted to pass it up the channels could have had it voided or discarded at a level lower than DIA or State or the White House or anyone else. As I see the challenge being made by these dedicated soldiers is that somewhere along the line, the . information is not coming to the top. And the people at the top are just exploding at that challenge that, somehow or another, they are involved in a cover-up, when I see the possibility exists that both could be right, and that you never saw the information. The pictures were never presented to you, and the challenges that were made, that they had this information, you never saw it. And on, and on and on. Is that totally fanciful, on my part?

Mr. ARMITAGE. If you ask, in concept, could it be true? I guess it could. The report that you reference, I believe was 1977, and that was the Presidential Commission.

We, when we came to office, this Administration, we reviewed the situation as we found it in January of '81, and came to different conclusions than those offered by the Presidential Commission, and decided to reopen and reenergize and reinstitute and engage the public awareness, and all that.

It seems to me that it would be very difficult at this time, after 5 years, plus, for people who may have held that view to continue holding that view. Because, the pressure, in the slang, to be a hero, is quite great. Any member of the administration—any DIA analyst, any of our fellows in the field, any DAO source that could provide credible information would, indeed be a hero.

Mr. McEWEN. But are not most of these challenges made during the 1978, 1979, 1980, 1981, timeframe? Is not that when the information came to the fore, and was tried to be passed along—the challenges against General Moore and General Leuer prior to 1983?

Mr. ARMITAGE. No, I do not think they are prior to—you mentioned two dates, 1981 and 1983——

Mr. McEWEN. Well, I believe that the policy may have changed under the Reagan Administration in 1981, but the significant reversal of positions did not become more evident until many months thereafter.

Mr. ARMITAGE. We continued to receive and to catalog reports during the time from 1977 through 1981 about people who were—sightings—live sighting reports, et cetera. We continued to process that information, and continued to garner it.

If you ask me, during that time frame, from 1977 to 1981, were our fullest efforts being exerted, I would answer you, truthfully, I do not believe so.

Mr. McEwen. I just want to make sure that, "Thou dost not protest too much." And that is that the fact that there could be some loss of information does not necessarily, in my mind, mean that there is a direct intelligence top of the line cover-up directed at all.

Mr. Armitage. No, and I think General Perroots and I—excuse me, Len—mentioned that. We are not saying that everything is done right, and that we cannot do it better. We have, over the past four years, found errors in things that we have done, and we have had to correct them. And we will continue to.

Mr. McEwen. Perhaps I will proceed on to the next point. We did have intelligence sources during the early 1970's in Vietnam. Have those been so completely depleted that they are ineffective, to be able to resolve whether or not there are Americans there? Do we not have channels, through allies, that perhaps have intelligence sources there?

General Perroots. There are intelligence channels which are pursued, Mr. Congressman. We do not have the extensive coverage in that part of the world that we had then. In addition to some avenues that are currently being pursued we are considering additional efforts that I can't talk to you about.

But, to summarize, we do not have the same coverage that we had during the 1970's. It is possible that there may have been a degree of difference in emphasis. I cannot conceive, though, of any significant report being withheld. General Tighe, my good friend, is not the kind of a director that would, in my view, allow that to happen. You can say he may not have known about it. Some of the people who were around then are currently on board in the Agency. These are the same people that were trying to keep this on the forefront and recognized a shift in policy.

The emphasis may have changed and there may have been a loss in aggressiveness in pursuing a particular lead. I have asked a senior level task force to review the POW/MIA data base in an attempt to see whether there was any lead that was not followed which, consequently, may have resulted in some serious loss of opportunity. I have not found one.

Mr. McEwen. General, evidently, I do not make my point clear. In Vietnam, there were people that literally threw typewriters in the canal when they ran out of ribbon, because they wanted a new typewriter. That does not show up on any report, and it is not a cover-up by DIA, and if you follow the lead through the computer it is not in there that that is what happened to the typewriter. It is just that it was lost, and that is just the way that things go. I am talking about in the theater. I am not talking about DIA and the dedicated analysts, and the people that are appointed by the President to investigate, and all. I am talking about the lower-echelon fellow that said that this is all done, this is too hot for me to handle, it is not on my—it is not on my plate, I am not going to wade into this. This was resolved three years ago. I do not want to hear anything more about it. And you—it would never even get in the DIA computer. That is not conceivable to happen?

General Perroots. It is possible but I think unlikely.

Mr. McEwen. Thank you.

The next point—I understand my time is about gone. I often allude to the fact that this issue hopes to be resolved by the Vietnamese within the next couple of years. Do we have any information or any ideas as to how this can be done?

Mr. ARMITAGE. It is going to ta[illegible] a tremendous amount of effort on their part, and on ours. That is what we are going to pursue, and what we are pursuing, today, in Hanoi, just how we go about this. There are, as you know, a tremendous number of crash sites. There are a tremendous number of discrepancy cases. There are a tremendous number of—2,441 Americans, who we want to get the fullest possible accounting for. So, that is the subject of our discussions, today.

Mr. McEWEN. Do we have any reason that they will be cooperative to draw a resolution of this within the next 18 to 24 months?

Mr. ARMITAGE. We have the statements of the foreign minister, reiterated to your delegation, and to Codel Solomon's delegation.

Mr. McEWEN. To your knowledge, did the United States ever offer to pay $3.25 billion, or any other figure, for the release of American prisoners, in Laos, an offer that is alleged to have fallen through?

Mr. ARMITAGE. No.

Mr. McEWEN. I believe that would consume my time. Thank you very much, Mr. Chairman.

Chairman MURKOWSKI. Prior to introducing Representative Bilirakis, I had a group of constituents from the village of Alatec, an Eskimo village that I turned around to recognize them, and they are gone.

Thank you, Representative Bilirakis. You may proceed.

Mr. BILIRAKIS. Thank you.

Chairman MURKOWSKI. We have been joined by Secretary Wolfowitz, the Assistant Secretary of Pacific and East Asia, of the State Department. We will expect a statement from him a little later. Please proceed.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Senator Specter made the comment that there are no more important hearings taking place on Capitol Hill today, and I certainly agree with him. Right at this time, the House Veterans' Affairs Committee, that Representative McEwen and I are members of, is holding a budget mark-up. And that, of course, is highly critical, and there are not going to be too many Veterans organizations that will not be present. So, I hope that they, also, believe that these are the most important hearings taking place on Capitol Hill. I certainly would hope they would be tolerant and understanding.

Mr. Secretary—I will get into the definition, or your definition of credibility, in a moment. But before I do, if a report of a live sighting in Vietnam, Laos, Cambodia, or whatever, were to come before you—before the Administration, or before the Powers That Be, that falls within the realm of your definition of credibility, what steps would our government then take?

Mr. ARMITAGE. If it came to me, I would immediately go to the Secretary, and he would immediately go to the President or the National Security Advisor with that information. And depending on what the circumstances of that individual or individuals who are in captivity are, we would make a recommendation.

The reason I say that, is if this were a separate individual—just one—a report of one man that we considered credible and current, in a condition where we might be able to either get him from an operation, if it was necessary, or some other means, then we might do that.

It could be that he would be an individual, held in captivity, in proximity with other individuals who are reported to be in captivity, and we would want to be careful that we did not extract one, to the disbenefit of the others.

So, I have to be—I am not trying to be disingenuous. You have to give me the scenario a little more deeply. Then I can be a little more specific as to what I would probably recommend. And then, depending on whether it were Laos, Vietnam, or Cambodia, would also have a difference. There would be different characteristics to our response.

But the President, himself, has pledged extremely decisive action, should these reports prove true.

Mr. BILIRAKIS. Well, the sensitivity—the necessary sensitivity that would have to be considered, is pretty darned obvious, if only because we want to protect the lives of others that may be there. But, in spite of that sensitivity, what you are saying to me, and to this committee is that we would take positive, direct action of some sort.

Mr. ARMITAGE. Absolutely. There is a pledge of the President, publicly.

Mr. BILIRAKIS. All right, but you are in a position to probably make these decisions on a——

Mr. ARMITAGE. I could highly recommend it, you bet.

Mr. BILIRAKIS. What is your definition of credibility, then? A difficult question, sir, forgive me. But, you know, this is a very hazy word. Even in our discussions with the foreign minister, there, basically, it was a case of,"if you come up with any live sighting information that is solid, credible, that sort of thing, you are welcome to come back, and I will personally accompany you to the site." Well, what is the definition of that word or its worth?

Mr. ARMITAGE. It is hazy, but it includes the following: it has to have some specifics to it, Congressman, as to time and circumstance, and the—if it is a refugee report, or a source report—the source, himself, has to have some ability to have actually been in a position to see this or to observe this.

We would like, as I say, this to be checked by another either source report, or cross-check, or technical means. Some sort of intelligence. That is not absolutely necessary. We have reports—as General Perroots said—of people who actually have passed a polygraph. And yet, it is impossible for them to have seen what they say they have seen. They do not know the surrounding areas. They do not know the geography of the area, and things of that nature. And so, a person is going to have to be in a position to have observed this, and to be specificly current as to what he observed.

Mr. BILIRAKIS. Well, and I am not sure when we get out of the public into the Executive Session area, here, and I am going to do my best to try not to violate that, but given some of the testimony that we have heard, it goes to the fact that there have been reports by refugees—by Lao, and that sort of thing. And this information has been passed on to people—military people, if you will, who, apparently, have been assigned by their superiors to this particular task. And this information has been gathered and turned over to their superiors, and then their superiors, basically—and who said it—someone made the comment, here, earlier, this is a hot potato, it is too hot for me to handle, and that sort of thing, and in a matter of days, some of these people, apparently—allegedly have been reassigned back to the States, or someplace else. These are reports.

They sounded awfully credible to us, I would say. I hate to speak for all the members of the committee. They certainly sounded credible to me. But there was no follow-up, apparently, as far as that is concerned. So, again, we go to the definition, do not we?

Mr. ARMITAGE. Well, on the question of people being reassigned, and things of that nature, not only do we have two general officers who are implicated, to some degree, in some of those incidents, we also, I believe, have someone from the Army personnel office who can talk about the reassignments, and the policy, and why individuals were reassigned, if they were, indeed.

The question of how many—I want to be clear on something. I just indicated that we have 828 first-hand live sighting reports to date. That is going to change in a week. And it will change upward.

Mr. BILIRAKIS. Hopefully, it will change.

Mr. ARMITAGE. It will change.

Mr. BILIRAKIS. It will?

Mr. ARMITAGE. When I first prepared my testimony, and submitted it to you, we had 806. And in the three weeks, since, we have gotten more information, and it is now 828. Of those, 525 have been investigated and relate to Americans whose status is known. 191 are reports judged untrue. The remainder, 112, are being actively investigated. Sixty-three of those 112 were reports of Americans who were held in a classic POW situation and which we are continuing to prosecute.

Mr. BILIRAKIS. All right, but when we say we continue prosecuting them, do we mean that we are looking for another source that might correlate with, or support the previous source? Is that basically what we are saying?

General PERROOTS. Many of the reports that Mr. Armitage referred to give the initial impression of being a valid report until we get into them. We then discover that there is not enough information upon which to make a judgment. We have to pursue the source's information further. The location might not have been provided by the source. We cannot really take much action, or even consider an action with such vague information.

We need more amplification on many of these reports. We will, indeed, attempt to get personal firsthand information from the source. If deemed appropriate and if the source agrees we will polygraph the source.

Mr. ARMITAGE. We have had—I believe there are two cases of people who gave us credible information, and they have slipped back into Laos. We were not able to get them. If they come back out, we will attempt to gain access to them again.

General PERROOTS. In the meantime, we have generated intelligence requirements in an attempt to provide amplifying information.

We would rather err on the side of confirming a report than on refuting it. We cannot afford to do otherwise.

Mr. **Bilirakis**. Yes, sir. Well, you know, you all brought up the point of cover-up, we did not. But it is certainly there. And it is certainly there, as far as our people back home are concerned. But I find that, particularly among the Vietnam Vets, and the people who have been mostly concerned with this, at least up until recently, that where they are concerned about cover-up, they are more concerned about getting our people out, and having some sort of a final accountability.

Yes, they are concerned about putting this issue to rest, but they also want to be satisfied that we, the Federal Government, has done everything that we possibly can—before we do put it to rest.

So, it is just critical. And I am not saying—if this committee runs into evidence of actual cover-up, I expect we are probably going to follow through with that. But I would like to think we are more concerned with trying to get these people out.

I do not know, do I still have some time, Mr. Chairman? I have a number of other questions. I do not really know how to keep track.

Chairman **Murkowski**. All we are doing is we are going around. Your ten minutes——

Mr. **Bilirakis**. My 10 minutes is up?

Chairman **Murkowski**. But Mr. Secretary——

Mr. **Armitage**. Very briefly, sir. The reason we brought up cover-up is, because in the letter of invitation to us, to appear, we were asked to discuss the question of suppression of information.

Mr. **Bilirakis**. Okay, thank you.

Mr. **Armitage**. In fact, there is a perception out there——

Mr. **Bilirakis**. Amen to that. There certainly is——

Mr. **Armitage**. It is time to take—we must take the offensive.

Chairman **Murkowski**. Senator DeConcini is going to be called to a committee which is going to be involved in a mark-up of the budget for this committee, and I am going to defer my questions——

Senator **DeConcini**. Mr. Chairman, thank you. Mr.——

Chairman **Murkowski**. The Senator is going to be off defending us on another front, and I believe he has a couple more questions. I understand the Secretary has a time commitment. Please proceed.

Senator **DeConcini**. Thank you, Mr. Chairman. I appreciate that. I can assure you that the referenced committee, hopefully, will be well-representative, when that subject comes up at the rules committee. Let me try to finish up with the Secretary, because I know you have got other things to do.

Mr. Secretary, can you confirm or deny reports of the recent private intelligence mission into Laos, reportedly in December of 1985, in which an individual was allegedly arrested, and another one killed.

Mr. **Armitage**. We heard those same reports investigated through our embassies in Bangkok, and even asked our Charge in Laos, and we have not been able to confirm nor deny that, sir. Those reports came to us from many sources, including newspaper accounts.

Senator **DeConcini**. Did you talk to any of the so-called people that were involved in it?

Mr. Armitage. I believe we tried to reach some of them, and have not been able——

Senator DeConcini. And have not been able to make any contact with them?

You indicated, in a press conference, after your recent return from Hanoi, that of the 95 unresolved live sighting reports, the latest unresolved report dates back to 1983. That leads me to conclude that information from the refugee community on live sightings is very quickly investigated, and proves to be erroneous. Is that a valid assumption?

Mr. Armitage. Well, the majority of the information has either correlated to people whose status we know, and in that regard was not erroneous, or to fabrications. But there still are—14 percent of all of the sightings, 828 that we have, first-hand, have not—well, not yet--been proven to be fabrications. Nor do they, in any way, correlate to Americans whose status we know.

Senator DeConcini. In light of the Socialist Republic of Vietnam's apparent recent willingness to allow U.S. Government officials to participate in live sighting investigations as reported by members of the House Task Force from deputy foreign minister, do you think that this is enough evidence to recommend and to offer a permanent, technical presence in Hanoi?

Mr. Armitage. Well, not yet. I stated during my visit, and I am sure it came up during yours, as well, Senator, that the question of a technical presence is one that we certainly want to discuss, and we are willing to discuss it with the Vietnamese, after we know how they will be employed, how they will be utilized. We want to make sure they are fully employed. We do not want them hanging around Hanoi in an aura of non-work. Once we see the work, we will be willing to address this——

Senator DeConcini. Let me ask this question, just from practicality. You cannot help but observe a lot of things, even if you are not busy with technical meetings, and I am sure you have witnessed that there could be some benefit of having some technical presence there, even if it is not an 8-hour working day, with their Vietnamese counterparts, to get information sifting through that society.

Mr. Armitage. I only—you certainly can observe a lot. I would only take exception to your statement, in that if these fellows were there, just observing, it might give the Vietnamese occasion to say,"See, everything is fine. They have got a joint technical presence here. We are really working the issue." When they are not. We want the work planned. If there is enough there to do—to work, we will send a technical presence.

Senator DeConcini. We have to——

Mr. Armitage. For as long as they are necessary. Then they will come out.

Senator DeConcini. We have to trade off then. I guess what you are saying is the strong policy, with which I agree, that there can be no normalization until this humanitarian issue is resolved, versus the benefit of having a technical presence there and information coming to those who are there.

Mr. Armitage. That is certainly part of it, but I plead with you, to recognize that we do not want to let the pressure off of the Government, and give them any excuse to say things are fine, we are working the issues.

Senator DeConcini. I understand. The House POW/MIA Task Force members, who recently returned, reported that the Vietnamese hope to have information on 70 POW's. Is that accurate?

Mr. Armitage. Yes, that is up 20 from what they reported to you, sir, and to me.

Senator DeConcini. Do you know if the 70 cases concern the return of remains only, or live-sighting reports?

Mr. Armitage. We believe these "informations" are the gamut of possibilities, to Codel Solomon, the Vietnamese indicated that—the possibility that, perhaps 14 or so of the "informations", thus far, may result in a return of remains. This is another thing that we will be discussing in Hanoi——

Senator DeConcini. No live sightings, you anticipate in the 70?

Mr. Armitage. I certainly do anticipate that there will be a discussion of the live sightings. In fact, I can assure you, from our point of view, that there will be. And we impressed upon the Vietnamese the necessity of addressing the issue.

Senator DeConcini. Of this number 70, you do not know if any of those are live sightings?

Mr. Armitage. I do not know how many of those are, sir.

Mr. Bilirakis. Would the gentleman yield a moment?

Senator DeConcini. Yes. Do you believe some are?

Mr. Armitage. I certainly hope they are.

Mr. Bilirakis. If some of those are live sightings, acknowledged by the Vietnamese, is that credible evidence enough for us to do something about getting them out as soon as possible?

Mr. Armitage. If the Vietnamese acknowledge live sightings, I would assume that they are going to help us get them out. They would never admit——

Mr. Bilirakis. But your answer is yes, that is credible?

Mr. Armitage. Sure.

Senator DeConcini. Colonel—Retired Colonel Hopper, and others, who have testified before this committee, alleged that we have no ground intelligence capabilities in Vietnam or Laos. I do not know if you can answer the question I am going to ask you in this particular setting but is that true, and if we do not, is it not a failure of our intelligence capabilities?

Mr. Armitage. We would be glad to address in a closed session, a full range of our abilities. I would say that Colonel Hopper's opinion excludes the possibility that refugees are a source of it, which I believe they are, and I believe you do. That travelers of all nationalities, in and out of those countries are sources of it, which I believe they are, and hope you do——

Senator DeConcini. Of course, you know what he is referring to.

Mr. Armitage. I know very well, but I want to make a case that a statement such as there are no capabilities, is a little fast and loose. And in closed session, I am sure General Perroots will go into the definites.

Senator DeConcini. I can go into that in closed session. Lastly, Mr. Armitage, the question of the 63 live sightings of Americans being held there—does that, in your opinion, not require—or does it require, rather, anything more than what we are doing today, in your judgment? Are we doing the maximum? I am not trying to put you on the spot to have you admit that we could do something, nor am I looking for a headline or criticism or anything else, but I want to know if you think that you are doing all that we could do regarding these 63 credible live sightings? That also may entail some classified answer that you cannot give here.

Mr. ARMITAGE. We will be glad to give you a detail of each case. But I will say that, as to have all of us throughout the years have done every single thing we can do on the issue, the answer has to be no. I have got 24 hours, and I do not devote 24 hours to this issue. I and my colleagues devote more and more time, and have over the years, and we hope that will continue.

I note that there is an implicit recognition, over the last several years, that we have not been doing enough. We did not inherit enough, nor have we done enough. The fact that we have upgrading our manning, in every aspect of this issue, whether it is at the CIL, or the JCRC, or in DIA. So, we feel that we need more analysts. We feel we need more energy in the issue. That is a constant feeling of ours.

Senator DECONCINI. Lastly, to both the general and yourself, General, have you visited with Lieutenant Colonel Howard?

General PERROOTS. No, sir, I have not.

Senator DECONCINI. May I just say, for the record, that I think it is important, and I recommend that you do that. I realize that it might be awkward with Smith being, out of the service, and perhaps reluctant, and carrying an attorney around with him at all times. But I hope that you visit with him, too. But Lieutenant Colonel Howard leaves me with a different feeling, even after the fine presentation made by you, General Perroots, regarding this evidence. I just have a real quandry as to why he would be so forceful in his presentation, and leave such an impression on this Senator, and I hope General Leuer and Moore can help resolve that in my mind.

General PERROOTS. We will call him today.

Senator DECONCINI. Thank you, Mr. Chairman.

Chairman MURKOWSKI. Thank you, Senator. We wish you well on the rules——

[Audience disturbance.]

Chairman MURKOWSKI. Gentlemen, I would like to refer to a question that has come up before. It represents, I think, not by any means an answer to the MIA question because we, as you have indicated, will continue to pursue this matter.

Could you set in some type of comparative vein regarding the MIAs from the second World War, the Korean War, the Vietnam war, from a standpoint of how there is a comparison? Have you got some of that information?

Mr. ARMITAGE. There are 8,200, or so, Americans missing in action, as a result of the Korean Conflict. There are 2,441 as a result of our activities in Indochina. And I believe from the Second World War—I know it is in the tens of thousands, and frankly, sir, the number 77,000 sticks in my mind. But I would like the ability to provide that last——

Chairman MURKOWSKI. I would like to have for the record relatively accurate figures. I have heard that the percentages for the second World War were about 20 percent unaccounted for, and the Korean War about 19, and the Vietnam Theater running about 5, 5½ percent.

Mr. ARMITAGE. I have the number from World War II. It is 78,700. But we will provide it on a percentage basis, which will be helpful, I think.

Chairman MURKOWSKI. That would be very helpful.

[The following information was subsequently submitted for the record:]

The following matrices present the comparison of the unaccounted for from the three wars with respect to battle deaths only and to all deaths.

	(A) Unaccounted for	(B) Battle deaths	(A/B) Percent
WWII	78,751	291,557	27.0
Korea	8,177	33,643	24.3
Vietnam	2,441	47,312	5.2

	(A) Unaccounted for	(C) Total deaths	(A/C) Percent
WWII	78,751	393,399	20.0
Korea	8,177	54,260	15.1
Vietnam	2,441	58,015	4.2

Chairman MURKOWSKI. I am concerned with a statement that you made with regard to increasing the unresolved live sightings up to 112 from 95. That was—that information was, again, based on a differential?

General PERROOTS. The increase was based on new reports which were received.

Chairman MURKOWSKI. New information received.

General PERROOTS. That is correct. We continue to receive new reports.

Chairman MURKOWSKI. But evidently you thought it significant enough to warrant increasing, officially, the number.

General PERROOTS. We do not know the significance of these reports. We continue to investigate them.

Chairman MURKOWSKI. If there are Americans living, of their own volition, in Southeast Asia, because they collaborated with, or defected to the enemy during the War, what is our Government's position on anyone that may have defected?

Mr. ARMITAGE. We do not care the circumstances in which they are in Vietnam. We just want to resolve the issue, and we think we owe it to their families. So, our position is, we look at all people as if they are the same. They are missing in action.

Chairman MURKOWSKI. Well, will they be prosecuted?

Mr. ARMITAGE. I do not think it is fair to ask a question in absence of the circumstances. Some of us have——

Chairman MURKOWSKI. We do not have—we have not granted amnesty, have we?

Mr. ARMITAGE. We have not.

Chairman MURKOWSKI. Now, the French, I understand, granted amnesty to any of those who may have defected during the French-Indochina War, and I think we were told in Hanoi, at our breakfast meeting, that an individual came out of the jungle last year—he had been there 39 years, I believe. He went back to France to die. They had granted amnesty. I think it is an important point, from the standpoint of clarification, because if, indeed, there are Americans in the capacity that would imply, perhaps that they defected, they are going to come back—it would be interesting to know what our government is going to do.

Mr. ARMITAGE. I take your point. I think that is something I should discuss with your own committee and the House committee—the Veterans' Affairs Committee, as well as the Armed Services Committees. I take your point, Mr. Chairman.

Chairman MURKOWSKI. The point I want to make is—I am not taking sides of the issue. It would be inappropriate that I do so. But I think from a standpoint of our official Government position, it should be known. I assume that there is an exposure that they might face a military Court Martial tribunal. Is that——

Mr. ARMITAGE. I would certainly say we would have a lot of questions we would want to ask them, but I——

Chairman MURKOWSKI. Well, let me ask you this. I will put it another way. We—you have had instances where we have had Americans return. Not recently, but in the past. What has been the policy of the Government in those cases?

Mr. ARMITAGE. On the case of Mr. Garwood, he was convicted of collaboration, I believe the charge was, after he voluntarily came out of Vietnam.

Chairman MURKOWSKI. And was there a sentence of any kind?

Mr. ARMITAGE. No, there was not—well, other than the loss of some of the Veterans rights, and things of that nature.

Chairman MURKOWSKI. Is it possible that you could provide, for the Committee, a clarification, or at least a policy statement, so that it would be a matter of record? Is there any problem in doing that?

Mr. ARMITAGE. No, I will provide a policy statement, so it would be clear.

Chairman MURKOWSKI. How long might that take?

Mr. ARMITAGE. I will get it within a week.

Chairman MURKOWSKI. Thank you very much, Mr. Secretary.

[The following information was subsequently submitted for the record:]

U.S. GOVERNMENT POLICY ON AMNESTY FOR VIETNAM WAR DESERTERS

The U.S. Government withholds judgment regarding the possibility of desertion of Americans unaccounted for in Indochina, pending the repatriation of the individual and an inquiry into the specific case. Each case requires impartial review of the circumstances and of the individual's debriefing or testimony. Accordingly, the U.S. Government pursues the fullest possible accounting of all Americans missing or unaccounted for in Southeast Asia, without prejudgment regarding desertion.

This stance allows the optimum amount of fairness for any missing Americans who may still be alive in Southeast Asia.

Chairman MURKOWSKI. How many individuals are there, who the U.S. either knew, or believed to have been captured, who were not returned, at the end of the hostilities, in 1973?

Mr. **Armitage**. At the completion of Operation Homecoming in April of 1973, the military service had listed 97 of Americans as prisoners of war. The criteria for that status covered the spectrum from U.S. eyewitnesses of the capture, to hearsay information from indigenous sources, to a fully deployed parachute over populated areas.

Of the 95 men and two women listed as prisoners, the remains of 32 Americans were subsequently returned, or recovered. Of the 65 remaining, 12 were listed as "died in captivity" by the Vietnamese Communists. The information on many of the remaining indicated that they probably died—but not definitely died—after capture.

Chairman **Murkowski**. Were most of these men believed to have been captured in Laos?

Mr. **Armitage**. I will have to pry the record——

General **Perroots**. My judgment would be that most were lost in Vietnam and not Laos. But we will check that and confirm it for you.

[The following information was subsequently submitted for the record:]

American Prisoners at Operation Homecoming

Of the 97 Americans listed by the military services as prisoners at the completion of Operation Homecoming, 44 were lost in South Vietnam, 43 in North Vietnam, 6 in Cambodia, and 4 in Laos.

Chairman **Murkowski**. There has been a question that has come up from time to time with regard to the satellite capability that our nation has, and it has been publicized dramatically in national magazines, and throughout the media. Is it not conceivable that, since 13 years has past, that with the advanced technology we can observe those areas where we might have information that Americans might be held in some type of captivity and actually begin to focus in on those, to make a determination of whether——

General **Perroots**. Yes, sir. We, obviously, task all collection systems in an attempt to provide and verify information. The satellites can provide information when you have a precise location. Of course, the situation in Laos remains very difficult, due to the double and triple canopy jungle. But we do use all the collection disciplines in our analysis of reporting.

Chairman **Murkowski**. I would like to ask you gentlemen each this question. Is, in your personal opinion, that Americans are being held today, in captive capacity, in either Laos or Vietnam?

Mr. **Armitage**. Was that it?

Chairman **Murkowski**. Yes. I am going to ask you first, Mr. Secretary.

Mr. **Armitage**. That is—I believe all of us will answer the same. That is the absolute assumption under which we work. That is the assumption that I held in 1969, when I worked in Vietnam, 1970 when I worked in Vietnam, 1971, 1972, 1973, 1974, 1975, when I worked in Vietnam. The assumption I brought to this job in 1981.

Chairman **Murkowski**. And that is your assumption, currently?

Mr. **Armitage**. I am assuming they are, and I am acting as if they are, and I am going to prosecute it that way.

Chairman **Murkowski**. And that they are in a captive—being held against their will—that is your contention, sir?

Mr. **Armitage**. That is mine.

Chairman **Murkowski**. General—now is that a contention or an assumption?

Mr. **Armitage**. That is my assumption.

Chairman **Murkowski**. That is your assumption.

Mr. **Armitage**. That is the basis under which I work.

Chairman **Murkowski**. Thank you. General Perroots?

General **Perroots**. Obviously we subscribe to that definition.

Chairman **Murkowski**. Well, is that a question that you can ask directly, and——

General **Perroots**. Yes, of course. I am the Director of DIA, and I would love to be able to say that I have a piece of evidence that confirms our assumption that Americans are being held against their will in Southeast Asia. But I must say that I do not have that confirmation. Inutitively, I believe that there may be somebody there in captivity. Obviously, we agree with the policy that assumes that Americans are there.

I feel stronger about people being over there who are not held in captivity. I also feel stronger about the possibility of them being in Laos.

Chairman **Murkowski**. We have included, but in general terms, as opposed to specifics, the question of Cambodia. I think the reason being that obviously the Codels have not had an opportunity there. There is a quasi-state of war. I think most of our specific conversation has been directed at Vietnam and Laos. I wonder if you would care to qualify whether or not, in your opinion, the general discussion that we have had here, this morning, would include the situation in Cambodia, or whether you just feel there may be a distinct difference with the situation.

Mr. **Armitage**. Paul may want to discuss this at some length. There are 82 Americans who are missing, we believe, in Cambodia. We do have discussions on the Cambodian issue with the Vietnamese, as you did. I am sure we got the same answer. It is baffling for me to believe that a country which maintains over a hundred and a half thousand troops in a country can then protest that Cambodia is a sovereign state, and it would not—it would be untoward for Vietnam to try to answer a question on behalf of Cambodia. But, Paul, you perhaps want to address that.

Chairman **Murkowski**. Secretary Wolfowitz?

Mr. **Wolfowitz**. I would just add to that that the areas in which the Americans were lost during the War were areas under Vietnamese control. The entire country, now, is under Vietnamese control. The government there is a puppet government. Anything that goes on, the Vietnamese know, and the Vietnamese can tell us about it.

Chairman **Murkowski**. Gentlemen, do you believe that the Vietnamese and Lao governments are telling the truth, with regard to their statements, which we assume are official, concerning the question of live Americans, either in captivity or there of their own free will?

Mr. **Armitage**. There was a politician who said, "Let us look at the record." The record would not lead you to believe that. I would say the discrepancy cases that are outstanding, do not lead you to believe that. That they are telling us what they know, and the whole truth.

As I indicated, until we get a resolution of those discrepancy cases, we cannot begin to believe what we are being told.

Chairman MURKOWSKI. General?

General PERROOTS. I agree with that assessment, generally.

Chairman MURKOWSKI. I think that we have covered our questions of you, Mr. Secretary. There are other questions of General Perroots. But I want to defer to my colleague, Representative Bilirakis, who has further questions. I know you are under certain time constraints.

Mr. ARMITAGE. I would be pleased to answer the Congressman's questions——

Chairman MURKOWSKI. Please proceed.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. Secretary, have you read the prepared statement of Mrs. Ruth Brellenthin, the wife of Cpl. Michael Brellenthin, in the U.S. Marine Corps, which was a prepared statement, as well as the oral statement that she made before the committee back in late January?

Mr. ARMITAGE. I did not see the prepared, but I saw the oral statement.

Mr. BILIRAKIS. You saw the oral?

Mr. ARMITAGE. Yes.

Mr. BILIRAKIS. Do you have any comments on reclassification? In the interest of time, I am trying not to go into more than I have to.

Mr. ARMITAGE. Well, I do have a comment. I know that you brought this case to the Vietnamese' attention, and we are further today in Hanoi bringing her case to the Vietnamese attention.

As I understand it, Mrs. Brellenthin stated that she needed to get her husband's status changed, so the U.S. will add him to the list of MIA's, and make inquiries to the Vietnamese about him. You did, and we are, today, so I do not see that that is——

Mr. BILIRAKIS. Well, basically, very quickly, then, as you know, it is up in the air as to what his status was for quite some time, and then all of a sudden, she receives a telegram, KIA, body recovered. And sometime later, I believe that her prepared testimony says four caskets—I am not really sure—9 men in four caskets—I believe there was a case of maybe 8 men in one casket—I am not sure. But, of course, as you may know, one of those people who returned, in Operation Homecoming, was one of those KIA people, and all of a sudden he showed up at the airport.

Are we seriously contemplating—and I am not just referring to his case—to that one particular case—but there are a lot of other cases, I believe, that fall within the same category, particularly when we go back to those days when identification was not as highly technical as it is today. Are we seriously considering reclassifying?

Mr. ARMITAGE. To my knowledge, we are not. Title 37 of the U.S. Code makes that authority to rest in the hands of the service secretaries. But if you would like a clear statement for the record, I would be glad to provide that.

Mr. BILIRAKIS. Well, yes. Because she has been led to believe—maybe the Marine Corps has done so, I do not really know—but she has been led to believe that there is a very good chance of reclassifying him. And of course, basically, I guess, what I am asking is, if there is a statute that will prevent reclassifying, what is it going to take? A law of Congress in order to change that?

Mr. ARMITAGE. I am sure it would not take a law, as the authority rests with the service.

Mr. BILIRAKIS. You say it would?

Mr. ARMITAGE. It would not.

Mr. BILIRAKIS. It would not. Okay.

Mr. ARMITAGE. The authority rests with the service secretaries. The Marine Corps has indicated to us, after I saw your constituent's testimony, I asked the question. They said they had never indicated the possibility of a change. But that, in no way, detracts from the answer that I owe you now.

[The following information was subsequently submitted for the record:]

The U.S. Marine Corps (USMC) Judge Advocate Division has determined that the Head, Personal Affairs Branch (MHP) of Headquarters, USMC, has the authority to reopen the case of Corporal Michael J. Brellenthin and to reclassify him as missing in action, if the evidence available justified the change. The USMC has also received inquiries from Congressman Bilirakis' office regarding the Congressman being allowed to present information, on behalf of the wife of Corporal Brellenthin, at any hearing prior to any final decision on continuing or changing Corporal Brellenthin's status.

The USMC is in contact on at least a weekly basis with Mrs. Brellenthin and will keep her and the Congressman fully informed on all aspects of the case.

Mr. BILIRAKIS. And what is your personal feeling?

Mr. ARMITAGE. My personal feeling is that since you and we, again, today, have raised this issue with Hanoi, then he is fully on the list, he has been fully exposed to the Vietnamese, then it would not make a difference.

Mr. BILIRAKIS. When we saw remains—some skeletal, some otherwise, at the JCRC——

Mr. ARMITAGE. At the CIL.

Mr. BILIRAKIS. Right, at the CIL actually—there was difficulty in identifying those remains—correlating those remains with the MIA files. Would that lead us to believe, then, that that would not be the case if, in fact, we had additional MIA files? That some probably should be reclassified in the MIA category?

Mr. ARMITAGE. All the files concerning medical and dental records, are held at the JCRC, both resolved cases and unresolved cases.

Mr. BILIRAKIS. KIA, body recovered files are still at the JCRC?

Mr. ARMITAGE. No, they are not.

Mr. BILIRAKIS. They are not. I did not think so.

Okay, so anyhow, that is the point, Mr. Secretary. I would appreciate, certainly this committee, I know, but personally, also, knowing more about that. I would hope that this committee would use its influence to press maybe, for our people to take another look.

Mr. ARMITAGE. I will respond to you personally and for the committee.

Mr. BILIRAKIS. Okay, sir.

[The following information was subsequently submitted for the record:]

The U.S. Army Central Identification Laboratory (CIL) in Hawaii has files on all Americans who are missing or unaccounted for in Indochina. A typical file consists of a medical record, a dental record, dental X-rays and a photograph, as well as indentifying data on the individual. The purpose of the CIL files is to provide a basis for comparison with the specific anthropological characteristics of recovered remains, which can lead to a determination on the identity of the remains.

In addition, the CIL has the mortuary records from the mortuaries at DaNang and Ton Son Nhut, both operational in South Vietnam during the war. These records contain a casualty message describing the incident, and anatomical or skeletal chart of recovered remains and a description of recovered remains and personal effects. These mortuary records have proven useful when the CIL has had cases where there were unidentified parts of human remains.

Thus, the CIL is confident of its records capability but did relook the subject following the questions by Congressman Bilirakis during the hearing. The preliminary indications are that records of a few personnel who were killed in action, body recovered (KIA-BR) might prove useful in the identification of two of the three unidentified non-Mongoloid remains currently at the CIL. (In the case of the third, the identification is limited by the quantity and quality of the remains; so additional records would not be useful.) The records of the vast majority of the 55,574 Americans KIA-BR in Indochina would not contribute to CIL indentification efforts. However, in instances where remains of several men were recovered and buried in group graves, the medical and dental records in these cases may be of benefit to the CIL in its efforts.

The CIL and the Service casualty offices will be evaluating group burial situations to determine the cases which could apply. We will keep the Committee informed of progress.

Mr. BILIRAKIS. Mr. Secretary, as I understand it, sir, when the Secretary leaves, we will then go into questions to the General? Is that correct?

Chairman MURKOWSKI. We are going to have a statement from Secretary Wolfowitz, and then we will, again, go with questions.

Mr. BILIRAKIS. Okay. Mr. Secretary, how many departments, agencies, offices, whatever we care to characterize them, are there that are involved in gathering together information on this issue? JCRC?

Mr. ARMITAGE. Those are all parts of the JCRC, the CIL, our attaches in countries around the world, not just in Southeast Asia. All report, in one manner or another, through CINCPAC to us in the Department of Defense. However, other agencies of Government, including the Central Intelligence Agency are involved.

Mr. BILIRAKIS. DIA?

Mr. ARMITAGE. DIA is part of the Department of Defense. You asked Departments, first.

Mr. BILIRAKIS. Well, I used the word Departments——

Mr. ARMITAGE. INS has been involved in tracking down refugees, who in years past, got through our system without being queried about information regarding Americans in POW status or any status, so they are involved. The Department of Justice is involved to a degree.

Mr. BILIRAKIS. CIA?

Mr. ARMITAGE. CIA is definitely involved. Now, in the Department of Defense, you have the entire attache system, you have the JCRC, and the CIL and both report through CINCPAC to us. You have, indeed, there is an implicit duty in every serviceman and woman, and I would say every citizen, to report any information that they have.

You have the various military intelligence groups which are around the world, and they are asked, from time to time—they always provide information if they glean it—they are tasked to follow up on specifics.

Mr. **Bilirakis**. If I need—if I would like to check the file, or receive information on a particular MIA/POW, who should I go to? Which agency? Which department should I go to?

Mr. **Armitage**. I would be loathe to give you a file on a family—on a Missing In Action. Only a person—a particular person, without the family's permission. We are not going to turn that over to you or to anyone else. If you had the family's permission, we certainly would.

Mr. **Bilirakis**. That is beside the point.

Mr. **Armitage**. No, it is not beside the point.

Mr. **Bilirakis**. My point is——

Mr. **Armitage**. Many people accuse us of not giving up information when they are concerned citizens. And I salute their concern. But we cannot provide them information on Missing Americans without family permission.

Mr. **Bilirakis**. Assuming there would be family permission.

Mr. **Armitage**. Depending on what you wanted, you could get it from General Perroots, or you could get it from the JCRC, or the service casualty officer.

Mr. **Bilirakis**. All right.

Mr. **Armitage**. What I would suggest, in terms of Congress, sir, they generally write the Secretary of Defense, and it comes to me. I get the answer, and I provide it back.

Mr. **Bilirakis**. But does that one source that I would write, whether it would be the one that you suggest, or whether it would be directly DIA, or whether it be directly JCRC, or what-not—does that one source contain, without any question, all of the information that has been acquired on this issue?

Mr. **Armitage**. No, it does not.

Mr. **Bilirakis**. It does not. Do you not think that is a real problem in terms of trying to correlate, and that sort of thing?

Mr. **Armitage**. Not so far. Information on crash sites and all of that type—the intelligence involved including remains and dogtag reports, is all provided to JCRC and they have it. All the intelligence is held and handled right here in DIA. So, we have not, thus far, had that problem. I have the ability to task any of the organizations who are involved, and get the information.

Mr. **Bilirakis**. Well, I am concerned—and I know my time has got to be up. They keep sending me notes. But I am concerned—I am not asking the question, now, in the interest of time. I am concerned that there is a lack of correlation, a lack of coordination, and where the word cover-up has been thrown around, whether that is justifiable or not, I think much of it is really a lack of efficiency. I think each individual department probably is pretty efficient in their own way. But as far as correlating and what-not, I feel more strongly than ever, after our trip, that that is a problem. Maybe we can talk to you further——

Mr. **Armitage**. With your permission, I will seek you out during the week.

Mr. **Bilirakis**. All right. Thank you. Thank you, Mr. Chairman.

Chairman **Murkowski**. I think that line of questioning is most appropriate, Representative Bilirakis, because I think it was collectively our contention, particularly after viewing the joint casualty resolution operation in Hawaii, that with the sophisticated data processing capability that is in existence, it would be very easy to have the information in a memory bank, collectively, as opposed to going to the specific service organization or the intelligence department or the joint casualty center to develop this. I am not necessarily challenging the fact that you do not have the information, but I do not think you can get it up in the manner that the technical capability would indicate you could.

Mr. ARMITAGE. I will explore this with the Congressman as soon as I can.

Chairman MURKOWSKI. I would appreciate that. Thank you very much, Representative Bilirakis.

A couple of other short questions. With regard to Private Garwood and his, evidently—you stated—conviction on collaboration. I am concerned as to whether or not any allegations he may have made, with regard to live Americans being sighted in Vietnam, were discounted as a consequence of his collaboration charge.

General PERROOTS. We had our first face-to-face meeting with Mr. Garwood at DIA yesterday. Before that time, we were not allowed to have access to him because he was in the process of appealing his conviction.

I can assure you that no information provided by him will be discounted based on the fact that he was charged and convicted of being a collaborator. We will take information from him as we would take information from any source.

Chairman MURKOWSKI. I would like to discuss, very briefly, the issue of the joint work force which is intended primarily to address the issue of remains, and information on living Americans in Vietnam, in that two year time frame.

First of all, do you believe it can be completed within the 2 years?

Mr. ARMITAGE. I believe it can be completed. I have got to say that it is going to take an awfully huge effort on the part of the Vietnamese and on the part of ourselves. We are willing, and we hope that they will indicate today that they are willing.

Chairman MURKOWSKI. My second question is, what, in your opinion, is the motivation—because you did not have a two year agreement, up until you went over and negotiated it, along with Secretary Wolfowitz, and others of your group. What is the motivation on their part?

Mr. ARMITAGE. Mr. Chairman, Paul and I cannot take credit for the negotiations. They made the conclusion on their own. They made the conclusion, in my mind, because the American people have made it very clear, through the Administration, and through Congressional delegations and through the efforts of the National League of Families and other concerned organizations—Veterans organizations, that they are not—the issues are not going to go away.

Chairman MURKOWSKI. Well, that is fine——

Mr. ARMITAGE. The Indochinese wanted to outwait us. They are not able to outwait us. So, they made the conclusion they better get out. I think that is what they are doing.

Chairman MURKOWSKI. It took them a long time to do that. It has been 15 years since that war ended.

Mr. ARMITAGE. But they did not have the pressure on the whole time, Mr. Chairman.

Chairman MURKOWSKI. What is your opinion of what that pressure consists of, other than the conviction of the American people, the conviction of our Administration.

Mr. ARMITAGE. What do you hear from the Vietnamese all the time? You always hear statements like the Vietnamese people want this, the Vietnamese people want that. Well, they have come to understand that the American people want something. They are not going to turn around, and are not going to be turned off on the issue. It is not going to go away when the Administration goes away. As every Administration will, eventually. I think that has come home to them, loud and clear.

Chairman MURKOWSKI. I want to commend you for not linking the issue of normalization. I attempted to pursuade you to say something along those lines. You practice what you preach, sir.

This committee has heard numerous allegations of improprieties on the part of officials within the JCRC. Some of them have been directed at Colonel Mather, in the public testimony, at the JCRC in Bangkok. My question, specifically, is, to your knowledge, has Lieutenant Colonel Mather compromised any intelligence sources, and if so, is there any contemplated action?

General PERROOTS. We have no information that would suggest that Colonel Mather is compromising intelligence. I have no reason to believe that that has occurred.

Chairman MURKOWSKI. I have concluded my questioning of Secretary Armitage. I believe that you have given us a half hour more than you could possibly allow, is that correct?

Mr. ARMITAGE. Only because I am heading to the White House will I take leave. But I will, with your permission, see you, Congressman, and discuss your issue.

Chairman MURKOWSKI. I am not concluding that this is necessarily the last hearing, and I am not concluding that we may not possibly wish to have you——

Mr. ARMITAGE. I look forward to it.

Chairman MURKOWSKI. I am sure you would be available——

Mr. ARMITAGE. I would hope that there would be time, today, for maybe General Leuer and maybe General Moore to have some time. I think they are fully prepared to answer the allegations.

Chairman MURKOWSKI. I intend to move into the classified section upon completion of the witnesses, today. That is still the intent. I intend to go through the lunch hour, so, for any of you who are contemplating a bit of discomfort, well, consider it a good day to fast.

I would like, at this time, to swear in Secretary Wolfowitz——

Mr. ARMITAGE. General Leuer and General Moore are pleased to address your questions in open session, if that meets with your——

Chairman MURKOWSKI. Well, let us—I would much rather do that, and I will pursue that as much as we possibly can. We will stay in open session, and we will have to use a certain amount of discretion on our questions. We will put off any questions that are classified.

Mr. Armitage. I think it is important to, as you say, breathe air, and this net will do it——

Chairman Murkowski. I want to have this as public as possible. The only exception is if, indeed, our national security interests—we do not want to compromise those.

Thank you, Mr. Secretary.

Mr. Armitage. Thank you, Mr. Chairman.

Chairman Murkowski. Secretary Wolfowitz, if you will be kind enough to move over to the other side? If you would stand and take the oath?

[Witness sworn.]

Chairman Murkowski. Thank you very much. We have sworn in all witnesses, and it is, I think, appropriate that this include members of the Administration as well.

I would like to introduce Assistant Secretary of State, Paul Wolfowitz, who has an extensive statement, which I assume he would want entered into the record as if read. You may proceed, Mr. Secretary. We appreciate your being with us this morning. We know of your commitments and your busy schedule, and I might add that your nomination as Ambassador to Indonesia is very close to moving, and may move today, on the part of the United States Senate.

I am not implying that they will not move it if I am not on the Floor, but I intend to sneak away, if necessary, to make sure we get an appropriate statement to reflect your commitment and dedication in your previous post, and wish you well as you depart for that very important part of our country. And, of course, your role, and others, in the Philippines success story is evident, I think, of your commitment and your knowledge and expertise. So, it is a pleasure to welcome you to the committee. We look forward to your testimony.

As you may have observed, we are on rounds of questioning. We have not fully reflected upon the Generals' total knowledge on the subject. We intend to do that, as well.

STATEMENT OF HON. PAUL WOLFOWITZ, ASSISTANT SECRETARY OF STATE, EAST ASIAN AND PACIFIC AFFAIRS

Mr. Wolfowitz. Senator, I appreciate those comments, and I am sorry I had to be late. I was with the President's Secretary on the Philippines. I know, also, your time is limited, and you have got some very important witnesses you want to hear from, so let me be brief.

I will submit my full statement for the record, but I would just like to make a few points here that I think are particularly important.

To me, it is inconceivable that the United States Government could be involved in suppressing evidence that live prisoners remain in Southeast Asia today. Those of us who are concerned with the POW/MIA issue, would like nothing better than to find Americans still alive, and get them back.

If our men remain in IndoChina more than a decade after the war's end, we want to know it, in order to ensure that they are returned. That is the only way any decent American can approach this subject. I can assure you that that is how everyone I know does approach it.

There is simply no conceivable motive for concealing evidence that Americans are alive in IndoChina. To the contrary, any government official who could obtain convincing evidence of American prisoners in Indo would be a national hero, and we all know it. Particularly so, if that information were precise enough to effect a rescue. If it were, I have absolutely no doubt that there would be no shortage of volunteers to help get their comrades back.

Sometimes I hear it alleged that our foreign policy interests would suffer if we were to discover the Vietnam still holding our men prisoner.

That is simply not true. Those who make the allegations demonstrate that they just don't know much about what U.S. policy in Southeast Asia is in 1986. Let me clarify.

So far from seeking relations with Vietnam the United States has stated clearly that we will not normalize relations with Hanoi until Vietnam agrees to a settlement in Cambodia, and withdraws its army of occupations from that unfortunate country.

At the same time, we have pressed Hanoi to cooperate with us on humanitarian questions, which they now agree to keep separate from the political and other issues that divide us. First and foremost, the issue of POW/MIA.

Vietnam now appears to agree with us on this point and to be prepared to work with us without any link to normalization or other issues. Thus, the question of a hidden agenda does not even arise. In the letter of invitation to testify today I was asked to discuss what we in the State Department are doing about the live sighting question. We have made considerable progress in persuading the Government of Vietnam and Laos to cooperate with us in resolving the fate of our missing. Over the past year, in particular, our dialogue with these governments has intensified, and they have taken some significant steps, including the joint excavation of crash sites in both Laos and Vietnam last year, and one which has now gone on in Laos this year, and the second that is going on in Laos right now in the promise of a second excavation in Laos this year.

We have not confined ourselves to accounting just for those who died in Indochina. We have made the issue of possible live prisoners, a major element of the dialogue, with both countries.

The recent visit to Hanoi in which I participated, for example, we had a lengthy exchange on the subject. Vietnam continues to maintain that it holds no prisoners in custody, but Vietnamese officials did agree when we were in Hanoi to investigate any reports that we give them.

Of course, in that connection I have to emphasize that sensitive intelligence on live Americans being held prisoner would be handled carefully to insure the safety of our men, and we would take whatever measures are necessary to secure their release. But there are cases in which Vietnamese government follow-up is the most appropriate way to deal with certain reports, and we will take advantage of that.

The Government of Laos also denies that it holds live Americans, but this has not prevented our raising the individual live sighting reports. Laos has shown a willingness to respond to such inquiry.

The progress that we have made with Vietnam and Laos is the result of persistent pressure in negotiation with those governments, both by American officials responsible for the issue, and by the families of missing servicemen through the National League of POW/MIA Families.

The most important single factor in inducing Vietnam to cooperate with us has been Hanoi's knowledge that it faces a united America, an America, as Secretary Armitage says, is not going to forget about this issue.

And Hanoi realizes that trying to exploit the visions and public opinion, the attack that it used so successfully during the war, will no longer work.

Although the Department of State does not play the primary role in the analysis of live sighting reports, we are very much involved in the collection and transmission.

Our embassies throughout the world have standing orders to report immediately to Washington any approach concerning live prisoners.

We give special emphasis to this important function in the countries of Southeast Asia, where most of the refugees first land after fleeing Indochina. But I would point out, we give those instructions everywhere, including not only Southeast Asia, but also, quite importantly, the countries of—major countries of resettlement.

Let me reaffirm from my point of view, and the point of view of the Secretary of State, and everyone I know in the Department of State responsible for this issue, that we fully support our government's commitment to obtain as full as possible an accounting for the men who did not return from the war in Indochina. And our first priority is to determine if any men remain alive, and to get them back to this country, by whatever means are available to us.

This is not an easy job, and we all experience great frustration in trying to do it.

As you heard from the previous witnesses, we're constantly looking for ways to do the job better. There are no simple solutions and simplistic answers, are not answers at all, but I can assure you that we will perservere until we have exhausted every possible avenue to return our men alive or dead to their families, their comrades, and the American people.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Wolfowitz appears on p. 482.]

Chairman MURKOWSKI. Thank you very much, Mr. Secretary. In case that long buzz didn't get your attention, it did get mine. We're going to have a vote.

I wonder if I could ask my colleague, Representative Mike Bilirakis, to help me cover, I'd like to pursue a few questions, and then if I could go vote then you could chair in my absence and ask your questions. It would be helpful.

Mr. Secretary, you noted in your testimony that many individuals have speculated that efforts to bring home live Americans from Southeast Asia might set back the normalization of relations with Laos and the Vietnamese.

Is there any possibility in a scenario such as the normalization effort which would take precedence over our efforts to bring home living Americans from that theater?

Mr. Wolfowitz. I can't conceive of one. In my view there absolutely should not be.

Chairman Murkowski. When the Paris Peace Negotiations were ongoing there were Americans known to live in captivity in Vietnam, Laos, Cambodia. Did any Southeast Asian governments involved at the time of negotiations allege that the live Americans were held as POW's? And, if so, what efforts were made to confirm these reports?

Mr. Wolfowitz. During which negotiations, sir?

Chairman Murkowski. During the Paris Peace Negotiations.

Mr. Wolfowitz. My understanding of that record is that they affirmed their commitment to return all prisoners of war, and their commitment to assist in finding remains of those missing. They have a commitment and a responsibility and it's something they have an obligation, for that reason, as well as for simple humanitarian reasons, to carry it out.

Chairman Murkowski. Yet it's fair to say that as far as moving on the issue of return, it's only recently that we have gotten a firm handle on a time sequence in order to accomplish this.

So I know it's a little difficult to go back in the record at the time of this peace negotation, but isn't there a reason to suggest that there was a period of time there immediately after the release where the prisoners were turned over and we assumed that they had either misled us, or we were satisfied that they'd all been released, or was it somewhere in between? What's your assessment of that?

Mr. Wolfowitz. Well, I think you're getting it—I understand the question you're asking, and I think Secretary Armitage has already addressed it in part, and let me just add to what he said, that while the Vietnamese now know American opinion is united on this issue, I don't think that in the immediate aftermath of the war we were united on much of anything concerning Vietnam, and all too many people preferred to just forget about the war as quickly as possible, and everything that went with that war.

I think our country is in much better health with regard to that now. We're able to talk about the issues. We're able to give the veterans the credit that they deserve. I think you could see that outpouring at the anniversary, the tenth anniversary that took place last year, but you saw it earlier.

Certainly I think the commitment of this President has been important, but it's a bipartisan matter the Congress has seized with this issue. The Vietnamese know now that they have American people who are conscious of the issue, who are concerned about the issue, and united on the issue, and are not going to forget about it.

Chairman Murkowski. Let me ask you this. Is it conceivable that in order to secure a peace agreement the government at that time could have decided not to pursue so actively the release of remaining POW's?

Mr. Wolfowitz. Senator, I just don't know the record of those negotiations, and I think it would be wrong for me to try to——

Chairman **Murkowski**. We'd appreciate if you could, for the record, provide us, if appropriate, either through your office, or——

Mr. **Wolfowitz**. But let me say what I do know, and what is clear on the public record, is that despite all of the enormous pressure to end our involvement, we got firm commitments in those accords to getting our men back, and I think that language would stand up very well today. I don't think it was the fault of our negotiators. I think it was the problem of getting the agreements to be carried out. And that was true of a lot of other parts of those agreements, of course, as you know as well.

Chairman **Murkowski**. Well, would it be possible for—I assume the information is available. I have no idea how——

Mr. **Wolfowitz**. We'll get you a more detailed answer.

Chairman **Murkowski** [continuing]. Voluminous it may be, but I would like for the record to request the appropriate agency.

Mr. **Wolfowitz**. We'll provide that, sir.

[The information requested was not available at time of publication.]

Chairman **Murkowski**. We'll get a review of that time frame and an analysis as to—which I'm sure occurred, as to what the attitude of our Government was toward the finality of the issue, whether we were satisfied the Vietnamese were responding to the true commitment and details of the accord.

In your view, Mr. Secretary, does any solid evidence exist that there are still American prisoners being held in captivity in Southeast Asia?

Mr. **Wolfowitz**. I guess the question comes down to what is solid. There is enough evidence to believe that there could be Americans there, and I agree strongly with what the previous witnesses said, that we've got to act on the assumption that there are.

Chairman **Murkowski**. We had allegations and testimony that during the Paris Peace Negotiations in 1973 the United States knowingly and willfully wrote off Americans who we knew had been, or had believed to have been, captured in Laos because we were not able to obtain an agreement with Laos.

To your knowledge, did Mr. Kissinger, or anyone else, knowingly disregard the issue of American prisoners in Laos in an effort to secure an end to the hostilities in Southeast Asia?

Mr. **Wolfowitz**. Not to my knowledge, Senator, and I will check in more detail for the record for you.

[The information requested was not available at time of publication.]

Chairman **Murkowski**. Can you tell us a little bit about the Laos situation as opposed to how we were covered with a formal agreement in Vietnam, there was a difference?

Mr. **Wolfowitz**. There was a difference. We had a government there which we actually never did recognize. That is why we to this day have diplomatic relations with Laos although without an ambassador, a chargé level. We have been dealing with them directly principally on this issue. The main content of our relations with Laos to this day is the question of getting an accounting for our missing in action.

We do not, I believe, have the kind of formal undertaking that we had with Vietnam from that period to an accounting, but I think the more important force with both Vietnam and Laos is not whatever they may or may not have signed more than ten years ago, but their sense of the realities today. And I think the Lao are impressed, just as the Vietnamese are, by American opinion, and the commitment of the American people, and they realize for that reason it's in their interest to work to clear up this issue, and we have made some progress with Laos for that reason.

Chairman **Murkowski**. Doesn't it appear to be a little peculiar, perhaps unique, that here we are today with a situation where as we review the course of events in Vietnam, we found as a consequence to those peace talks a formality set up on the exchange of prisoners returning over to us of Americans that were held, now we see a situation where we've got a 2-year work plan in Vietnam? We also see a situation where the Vietnamese officially, it's my understanding, in our meetings with Foreign Minister Thach, have not dismissed the fact that there may be Americans in Vietnam, but they are not being held against their will? That was emphatically denied by Minister Thach to us that there were any Americans being held by the Vietnamese government against their will, but he did not deny that they could be out there in some other capacity, of their own free will, or otherwise.

Yet, in Laos where we have an embassy, we don't have an ambassador, as you said, we have a charge, yet in our meetings with the Lao—I think it was the Vice Foreign Minister Sou Banh—he stated that there are no Americans held in Laos. We had a census last year. I think he said 1985. We know there are no Americans there.

In one case we have no recognition, namely in Vietnam. In Laos we have recognition. How do you assess the different attitudes of two different governments where one acknowledges that there may be, the other emphatically denies that there are no Americans of any kind, either being held voluntarily—involuntarily in the country, or being held against their will. And yet we have recognized that country.

Can you tell me why we don't have an ambassador there and a little bit of background about how you and the State Department look at this rather narrow yet distinct difference? In one sense, we're not linking the issue of our MIA's in Vietnam, and normalization in Laos. We have a form of normalization.

Mr. **Wolfowitz**. I'll try, Senator. I think in a way the question you raise makes the point that the state of our diplomatic relations with countries is not the main ingredient in what progress we make, and without naming countries, perhaps embarrassing them, there are countries that have full diplomatic relations with Hanoi that have gotten complete brush-off on this issue. What makes progress isn't embassies, but it's American opinion and the commitment of the American people, and the concern that that creates.

Having said that, I think the situation in Laos and Vietnam is not that different. I think there may have been a difference in tone. There's certainly a bit difference between Deputy Minister SuBon of Laos, and Foreign Minister Thach of Vietnam, just in personal thought. But neither—both governments say that they don't have any American prisoners. And the Vietnamese have been more forthcoming about saying well, maybe there's some Americans around. If there were reports we'll investigate them. But, in fact, the Lao have also taken reports and investigated them, and one that I'm aware of we had a report of a Caucasian being held prisoner in Laos. We gave certain elements of that picture to the Lao and they said, oh, that sounds like a Greek who was arrested some time ago for some civil charge and has been released. And we checked with the Greek Government and, in fact, there was such an individual.

So they are willing to investigate reports, and both governments, however, maintain the position that they're not holding prisoners.

Chairman MURKOWSKI. My time is almost up, but I have——

Mr. WOLFOWITZ. I might note, too, the Lao have acknowledged that there are significant areas, remote areas of the country, where they lack communications, and at least in some meetings with us they have said they don't necessarily rule out the same thing as in Vietnam, but they have never said that quite as formally as the Vietnamese did in our meeting in December.

Chairman MURKOWSKI. Isn't it rather strange that other than the nine POW's under the control of Hanoi, no POW's were returned from Laos? How many Americans could have been captured, or survived in Laos? It seems as an inconsistency here.

Mr. WOLFOWITZ. General Perroots might be the better one to address that, but I think there is considerable concern that—of the people missing in Vietnam we got a lot more back, and one has to ask the question what happened to the people who were taken in Laos. It doesn't look like——

Chairman MURKOWSKI. Were any of them held in Laos that were returned to Hanoi at the end of the war?

Mr. WOLFOWITZ. I don't know the answer to that, Senator.

General PERROOTS. Nine Americans were captured in Laos, held in North Vietnam and released in 1973.

Mr. WOLFOWITZ. Apparently the answer is yes. Those nine that you mentioned were returned.

Chairman MURKOWSKI. That's how they came through, but none were returned directly from the Lao Government?

Mr. WOLFOWITZ. No.

Chairman MURKOWSKI. Would you say that's policy of the Lao Government? Was it the influence of Vietnam on the Lao Government? I don't recall when we recognized the Lao Government, but since we've got an embassy, we've got a Chargé d'Affaires, I'm curious to know why there is such a departure in the sense of procedure between Vietnam and Laos.

Mr. WOLFOWITZ. Let me check the historical records and give you some more details, but I think what this underscores is a point I made earlier about Cambodia, these areas in which people are captured may have had Laotian troops, or may have had Khmer Rouge, which was, of course, the Communist Cambodians at the time, but they were all of them under the control of the Vietnamese. And we ought to recognize that even Laos still has a rather large continuing of Vietnamese forces in its country today, and the Vietnamese influence there is pretty strong. And I think that's the basic explanation to the question you asked, but I will have somebody check the historical record and give you a more precise——

Chairman MURKOWSKI. I think in 1973 the Lao Government was not Communist.

Mr. WOLFOWITZ. Right.

Chairman MURKOWSKI. I think they were basically friendly.

Mr. WOLFOWITZ. That's right. It turned at the same time the Vietnamese took Saigon; within a few weeks the Laotian Government fell.

Chairman MURKOWSKI. But what you were implying to me is that that whole process during this time was under the control of the Vietnamese, so any return of——

Mr. WOLFOWITZ. The prisoners would not have been prisoners of what was then the Government of Laos. They were prisoners of the Pathet Lao, who were the allies, and in some sense, the bomb of the Vietnamese.

General PERROOTS. Early in the war in Laos the Pathet Lao released five Americans. We'll get the facts for you.

[The following information was subsequently submitted for the record:]

U.S. RETURNEES FROM LAOS

In early 1961, five Americans were captured by Pathet Lao forces in Laos in three separate incidents. They were released in August 1962 as a result of the Lao Peace Accords. Seven American servicemen and two U.S. civilians were released ostensibly by the Pathet Lao in Hanoi during Operation Homecoming in 1973. Four U.S. civilians were released by the Lao Communist Government after it assumed control in August 1973; one in 1974 and three in 1975.

Chairman MURKOWSKI. My last question is, to your knowledge, did the United States offer to pay $3.25 billion to any other figure for the release of American prisoners in Laos? And we've had witnesses who have indicated that that particular proposal fell through. Do you have any knowledge of——

Mr. WOLFOWITZ. I have no knowledge of any such proposal, and I would underscore the general policy not to start paying for hostages, or prisoners, because it's a way to start having more hostages and prisoners.

Chairman MURKOWSKI. General, do you have any comments about that question?

General PERROOTS. No, sir, no comments.

Chairman MURKOWSKI. You never heard of that?

General PERROOTS. I have never heard of it.

Chairman MURKOWSKI. It wasn't part of the Paris Peace Talks?

Mr. WOLFOWITZ. Absolutely not.

Chairman MURKOWSKI. No consideration being given in those Paris Peace Talks for return of prisoners, information, or otherwise?

Mr. WOLFOWITZ. There was a commitment by the Vietnamese in the Paris Peace Talks to return all prisoners period, no price, no money. They had to return them.

Chairman MURKOWSKI. My time has expired. Representative Bilirakis from Florida?

Mr. BILIRAKIS. Thank you, Mr. Chairman.

To follow-up on your latest questioning regarding Laos, sir, Mr. Secretary, are we saying that if there are any live Americans in Laos now that they arrived there after 1973?

Mr. **Wolfowitz.** No.

Mr. **Bilirakis.** All right. Are we saying that any live Americans who had found their way into Laos over the period of time, were within the control of Pathet Lao and not the current government? I mean, they obviously were not current government because they didn't come into being——

Mr. **Wolfowitz.** The current government is, in a sense, it's now the Pathet Lao in power, so there's no longer that distinction. But at the time they would have been captured, if they were captured in Laos, which is 1973 and prior, they would have been captured by Pathet Lao, not by what was then the Government of Laos. But that Government of Laos——

Mr. **Bilirakis.** But they were friendly to us, weren't they, at the time?

Mr. **Wolfowitz.** Who? The Government of Laos?

Mr. **Bilirakis.** Yes.

Mr. **Wolfowitz.** They were our allies, they were fighting Pathet Lao, but they were overthrown.

Mr. **Bilirakis.** But they had no influence, or any control, over the Pathet Lao?

Mr. **Wolfowitz.** They were overthrown by the Pathet Lao.

And we're dealing now with the government that the Pathet Lao who at the time were rebels, taking prisoners, or not taking prisoners, don't know about that. We're dealing now with the government they installed after they overthrew the government that we were dealing with at the time.

Mr. **Bilirakis.** Well, do you feel—you've already made the statement that you feel that Vietnam has quite an influence over the Government of Laos.

Mr. **Wolfowitz.** I think that's true.

Mr. **Bilirakis.** Do you feel that that influence is strong enough so that if there is, in fact, a good faith attempt, good faith agreement with Vietnam regarding any live Americans and/or remains, of course, in Vietnam, that that would extend over into Laos?

Mr. **Wolfowitz.** Absolutely. I think there's no question that progress of the two countries is very closely linked. At the same time, I think we'll make more progress if we deal with the government of Laos on the assumption that it is acting on its own.

Mr. **Bilirakis.** On its own. Because, you know, we really did run into quite a difference there in terms of rapport, if you will, the Foreign Minister making the comment that there may be, but if there are they're not within our control—well, actually he didn't tell us that. He just merely said there are no live Americans within our control. But so much as saying that there may be, but not within our control, although apparently he made the comment to the second delegation, to the Solomon Delegation, that there were live Americans there. He sort of acknowledged that based from what we read in the newspapers, and some of the conversations we've had with members of the CODEL (ph.).

Mr. **Wolfowitz.** We talk——

Mr. **Bilirakis.** Go ahead, sir.

Mr. **Wolfowitz.** I think you shouldn't draw too many conclusions from meeting with one representative of one government, another representative of another government. They are giving you their government line, but there's a certain amount of personality involved in it as well, and I think you've got to take the whole picture. And when I take the whole picture of what we're hearing from the Lao, the whole picture of what we're hearing from the Vietnamese on this issue, I think the lines are basically the same.

Mr. BILIRAKIS. Okay. So basically what you're saying is if there is a bending as far as Vietnam is concerned, you would expect the same bending to probably follow as far as Laos goes downstream somewhere?

Mr. WOLFOWITZ. Basically, maybe with some nuances, but basically the same.

Mr. BILIRAKIS. Yes. I know they put an awful lot of influence on their sovereignty, and their pride, and that sort of thing, so I guess it would have to be handled, as you say, in such a way that it would look like it is their decision rather than a decision made by Vietnam.

In talking to one of the members of the Solomon CODEL, I believe it was yesterday on the floor, he made a comment to me that the Foreign Minister of Vietnam did make a statement acknowledging that there were live Americans not within their control in Vietnam.

Then he made the comment to me that he has now withdrawn that statement, that he doesn't admit having made that statement. Do you know anything at all about that?

Mr. WOLFOWITZ. Let me just check. I think I have one thing on it.

I think, as I am told, Mr. Solomon himself, said the Vietnamese didn't exactly admit there were live Americans, but what they said, there are no Americans under Vietnamese control, said if there are living Americans the government is not aware of them. But said there may be some such Americans.

That is basically the same thing that we heard—I heard when I was in Vietnam in January.

Mr. BILIRAKIS. That's what I heard too.

Mr. WOLFOWITZ. It's what you heard. It's almost to me the only conceivable thing they could say, and if they have Americans, and we get them out with their cooperation, it's going to be probably within that framework of discussion.

Mr. BILIRAKIS. Mr. Secretary, do you know whether a list exists somewhere within our bureaucracy that lists names of specific individuals and locations at that time regarding live sightings in any of these countries?

Mr. WOLFOWITZ. You mean the individuals who made the reports and where they——

Mr. BILIRAKIS. Well, the individuals who made the reports, but actual names of individuals who were spotted, or who was sighted?

Mr. WOLFOWITZ. I'd have to refer that to General Perroots. I don't know that we have a name attached.

Mr. BILIRAKIS. All right, let me ask you, if——

Mr. WOLFOWITZ. I mean, DIA has the information we have on live sightings. I don't think I've ever seen one that's purported to have a name attached to it.

Mr. BILIRAKIS. A name attached to it, or names attached to it. Is that right?

If something like that did exist, and it were ascertained that it did exist, would the State Department take a positive part in using its influence in terms of following through with the names on this list, and, of course, whatever it takes afterwards to recover these people?

Mr. WOLFOWITZ. Well, let me ask you two things. First of all, if we had credible evidence on which we would act, we would take a very positive——

Mr. BILIRAKIS. Credible again.

Mr. WOLFOWITZ. Well, if we had evidence on which we thought some action is appropriate, we wouldn't sit around and wait. We would be moving very quickly. And I would be phoning the Secretary of State and he'd be phoning the President, especially if it were the kind of thing where you thought that time made a difference.

So I think there's no question that we are, like my colleagues in the Defense Department, in a posture where if we had something to act on we would move, we wouldn't set up study commissions.

There's another thing that may be applied in your question, I'm not sure, and that is where we have the names of individuals who provided the reports, and they may then have gone and left the refugee camp in Laos or Thailand, or elsewhere in Southeast Asia, and have gone and resettled in France or elsewhere. And we do spend a lot of effort trying to track down people like that if there are follow-up questions to be asked of them, and that's one of the major functions of our embassy offices, dealing with these issues in places like Paris where there are—France, where there are a lot of refugees.

Mr. BILIRAKIS. All right. Well, I think continuing on that particular vein would shift over to the General, so probably my time is up.

Senator DeConcini?

Senator DECONCINI. General Perroots, I'd like to go over some ground with you, if you can help me.

Tom Ashworth, a Vietnam veteran who has filed an affidavit in connection with the Smith-McIntire suit, alleges that "DIA refused to talk with General Vang Pao."

If, as you state, DIA pursues all intelligence information on live sightings, is this correct, or have you had any discussions, or have there ever been any discussions with General Vang Pao in an attempt to verify the information?

General PERROOTS. I'll get you precise information concerning DIA's discussions with General Vang Pao. Vang Pao has confirmed to DIA that he only met Scott Barnes on one occasion, and at that time he did not corroborate any POW/MIA information. I know there were discussions with Vang Pao but I don't know the duration nor the extent. I'll certainly provide that for you, sir.

[The following information was subsequently submitted for the record:]

DIA DISCUSSIONS WITH GENERAL VANG PAO

DIA has had an ongoing dialogue with General Vang Pao for several years.

Senator DECONCINI. You have not?

General PERROOTS. No, I have not.

Senator DECONCINI. Would you then think that your statement about having pursued all intelligence information on live sightings was really actual and factual?

General PERROOTS. My statement does not presume that every possible avenue was pursued.

DIA has had ongoing contact with Vang Pao.

Senator DECONCINI. That's encouraging, General, and I would only hope that you would have some ongoing——

General PERROOTS. I intend to.

Senator DECONCINI. I don't mean to be disparaging at all by this remark, but it seems to me that these are some of the problems that come up, and I realize you have limits on your time, and I realize the rank that you hold, and you have to have certain subordinates, but this issue is, to me, important enough for the head of DIA to travel to Bangkok to see General Vang Pao, just as it was important enough for me to go there.

General PERROOTS. He's presently in Bangkok.

Senator DECONCINI. Or even California, as a matter of fact.

General PERROOTS. I make that commitment.

Senator DECONCINI. Thank you.

To your knowledge, General, was the DIA or any other U.S. government agency involved in any way whatsoever in planning, assisting, or funding the 1981 Bo Gritz foray into Laos?

General PERROOTS. To my knowledge, Senator, DIA had no connection with the Gritz foray.

Senator DECONCINI. Now, what about the CIA—do you know if CIA did or did not have any information?

General PERROOTS. I would ask that you ask CIA. CIA is responsible for any clandestine operation.

Senator DECONCINI. You do not know of any?

General PERROOTS. No, sir, I do not.

Senator DECONCINI. General, I'd like to pose to you the same question I asked Mr. Armitage. Since there have been no unresolved live sighting reports since 1983, I'm led to conclude that the steady stream of information being provided by refugees is quickly investigated, and has been disproved, or perhaps that's inaccurate. Is that assumption correct?

General PERROOTS. Not entirely, Senator. As a matter of fact, I believe that the update that was provided in my written statement indicated that we've received 17 new first hand live sightings since 1 January. However, only four of the newly received reports of American prisoners occurred since 1979. The most recent sighting was 1984.

Senator DECONCINI. Is it 17 more, you said?

General PERROOTS. Yes. So it's a continuing thing.

Senator DECONCINI. Did you get that information from refugees?

General PERROOTS. Yes, sir, most of the reports are provided by refugees.

Senator DECONCINI. Also, I'd like to ask the question, and maybe you did answer it, about the need for ground intelligence capabilities. Is that a subject matter we need to discuss in executive sessions?

General PERROOTS. I think we should, sir. I would simply say in open session that that was one of the main motivating factors behind establishing a high level interagency group to determine what collection options we have and what we ought to be doing in that area.

Senator DeConcini. Scott Barnes indicated that there was a scheduled meeting between the General Shufelt and himself that was called off at the last minute. Are you aware of such a meeting, and was it, indeed, called off?

General Perroots. I'm not aware that the meeting was called off, sir. I am aware of a telephone conversation between Barnes and a member of General Shufelt's office staff. On the basis of the telephone conversation it's my understanding from General Shufelt that no meeting was requested by Mr. Barnes. General Shufelt informed Mr. Barnes that he was available to discuss POW/MIA information at his convenience but no meeting was requested.

Senator DeConcini. That no meeting was required?

General Perroots. Yes, sir.

Senator DeConcini. So it was called off.

General Perroots. No meeting was scheduled.

Senator DeConcini. What you're saying is you don't know that there was ever a meeting agreed to?

General Perroots. That's correct, no meeting was scheduled.

Senator DeConcini. And obviously no meeting took place?

General Perroots. That's correct.

Senator DeConcini. I would like to know, for the record, whether or not there was any understanding that there was going to be a meeting.

Now, Ms. Ann Griffith of the League was asked a question by me as to a secrecy agreement, and I don't mean a secret agreement under the table or something, but any agreement, or acquiescence, or concurrence by her—with DIA—regarding her availability to have classified information. What is the arrangement that DIA has with the League, and particularly with Ms. Griffith?

General Perroots. This arrangement was approved by General Tighe when he was director of DIA. He thought that because of the stature of the League, and the role it had played, that it was appropriate for him to provide classified information and disclosure authority to Ms. Griffith, who, in turn, would provide sanitized information to the Board as required. That was a decision made by him. I see no reason to change that decision.

Senator DeConcini. I'm not sure I see any reason either, but let me pursue that a little bit with you.

Now, do you concur with General Tighe's purpose, and in continuing that policy?

General Perroots. Yes, sir, I do.

Senator DeConcini. If Ms. Griffith is—has available classified information regarding this subject matter, and the purpose is so that she can advise her Board, shouldn't she be prohibited from advising her Board and disclosing any of that classified information?

General Perroots. Senator, she's not disclosing classified information. Often we're merely talking about a source caveat.

Senator DeConcini. You mean she can disclose classified information?

General PERROOTS. No, she does not give out classified information. She only gives out information that has been declassified through removal of intelligence sources and methods.

Senator DECONCINI. Is that the policy of the DIA, that someone who has classified information can give out 90 percent of it?

General PERROOTS. This has to be reviewed on a case-by-case basis. Many of the reports can be declassified so that the gist of the information can be provided while not disclosing the source of the information or the method by which it was obtained.

Senator DECONCINI. Of course, you have the confidence in Ms. Griffith that she can make that distinction when she's dealing with her Board as to what can and what cannot be disclosed to them and this 10 percent that can't because it's classified information? Is that a fair assumption?

General PERROOTS. Well, I would hope that Ms. Griffith consults with us and we make that determination collectively.

Senator DECONCINI. Does she?

General PERROOTS. Yes, she does.

Senator DECONCINI. Okay. What kind of a clearance background does she have, or has been provided for her?

General PERROOTS. I'll have to check. I can provide that for you.

Senator DECONCINI. Okay. In the nature of securing clearance for someone in the stature of Ms. Griffith representing the League, was a formal background investigation conducted?

General PERROOTS. Again, Senator, I'm not sure. I have not had occasion to look into this. I shall provide this information.

Senator DECONCINI. Would you please advise us?

General PERROOTS. I certainly will.

Senator DECONCINI. And I'd also like to know how long it took to provide her with the clearance once it was agreed by General Tighe that that should be done.

General PERROOTS. Okay, sir.

Senator DECONCINI. And how long does it usually take to provide this type of clearance.

General PERROOTS. Okay.

Senator DECONCINI. And is there authority, and who grants that authority, and did they grant it for such clearance.

General PERROOTS. We'll provide that information.

[The following information was subsequently submitted for the record:]

DIA SECURITY AGREEMENT WITH NATIONAL LEAGUE DIRECTOR

The Executive Director of the National League of Families was granted access to secret level information in November 1979 by the then Director of DIA, Lt. Gen. Tighe. This access was based on a telephonic National Agency Check (NAC) conducted on/about October 1, 1979. The Executive Director of the League executed a DIA secrecy agreement on November 16, 1979.

A special background investigation, initiated at Lt. Gen. Tighe's direction was favorably adjudicated on July 18, 1980. The Director's authority to grant access to persons outside the Federal Government is based on paragraph 7-107, DoD Directive 5200.1-R/DIAR 50-2.

Senator DECONCINI. And then I would like to know what type of clearance, as I said, she actually has, secret, top secret, both?

Now, Ms. Ann Mills Griffith, when she testified too, she said in effect that some, if not all, of the classified information that they have seen on POW's, MIA's, is needlessly classified secret or top secret, I think were her words, and that this information would be very helpful to families and others interested in the POW/MIA issue.

Do you agree with her on that statement, if I'm quoting her correctly?

General **PERROOTS**. I certainly agree with Ms. Griffith that many of the reports are classified because of the prohibitions imposed in certain directives which require that they be classified. Many of these reports have been declassified and provided to the families.

Senator **DECONCINI**. Do you periodically review them?

General **PERROOTS**. Only if requested, sir.

Senator **DECONCINI**. In other words——

General **PERROOTS**. A good portion of the reports have been declassified.

Senator **DECONCINI**. In other words, if it's classified last year and never requested, it just stays classified?

General **PERROOTS**. That's the nature of it.

Senator **DECONCINI**. Is there some benefit, particularly in this case, because of the emotional sensitivity of the issue, to follow the suggestion of Ms. Griffith that perhaps there be some declassification of some of these?

General **PERROOTS**. As a matter of fact, Senator, we're looking into that right now. I can assure you that there are no instances where sanitization of classified information has not been accomplished upon request.

Senator **DECONCINI**. Upon request. What about not upon request? It just seems to me, General, she raises a very good point, and one that certainly based on the briefings that I've had that are classified, that some of it, and I don't pretend to be an expert, could be declassified, and would be very helpful for two reasons. One, it would demonstrate that our Government is not trying to keep anything that isn't absolutely national security information, and two, so those doubting Thomases and the public, can have available some of this information.

General **PERROOTS**. One of the charters of this review group, sir, that we are establishing, is to do just that. As a matter of fact, they are reviewing many reports with a view towards doing that.

Senator **DECONCINI**. Thank you.

Mr. Chairman, I have other questions but I've used my ten minutes.

Chairman **MURKOWSKI**. Thank you, Senator.

I'm going to go back to Secretary Wolfowitz.

In your testimony you referred to the Vietnamese agreement to investigate reports that we desire to give them regarding the Americans in captivity.

Do you believe anything can be gained specifically by handing over information to the Vietnamese and asking them to respond?

Mr. **WOLFOWITZ**. I think we have to be careful about what we hand over, as indicated in my testimony, but I think we can sometimes clarify things. I gave the example in the case of Laos where we had information on a Caucasian being held prisoner. We were able through them to get information which we were then able to confirm with the Greek Government. So, if nothing else, I think it can help us to sort out some of the information that we have and figure out what's good and what isn't.

And I think it also opens up the possibility that we may help them to discover things, or to unburden themselves of things that they don't know at the moment.

Chairman MURKOWSKI. Do you believe if Americans remain in captivity they would be in danger if their names were released possibly to the Vietnamese?

Mr. WOLFOWITZ. I think it would depend on the circumstances. I can think of a lot of circumstances where you wouldn't want it known that we know.

Chairman MURKOWSKI. But as we pursue the issue of live sightings, and we have those we cannot account for, and we had a change the other day of 12, added 12 more, and the Vietnamese have told you, they've told us when we were over there, if you have the name, locations, information, we will follow-up, or as Foreign Minister Thach replied to Senator DeConcini, you come over here and I'll show you, I'll take you anywhere you want to go.

Now, how do you correlate the reality that if we're going to follow-up we're going to have to have some information, yet our obligation to protect MIA's, how do you walk that fine line?

Mr. WOLFOWITZ. I think it depends on the case. In fact, I think our live sighting reports, as I understand it, none of them have specific names attached to them. If we had one with names attached to them I think we'd have to consider whether we would be revealing more than we want to about what we know by coming forward.

We did have a very different case, an American who was prisoner in Vietnam because he'd been picked up in a sailboat, they said was in their waters, and we did give—it's a very different case, and I just am emphasizing I'd go by the circumstances where we decided they had him, they knew that they had him, and that letting them know who he was and we wanted him back, that's the best way to get the dialogue started. He was eventually released.

But I could imagine where you might, if you had such specific information that included names, you wouldn't want them—and might presumably also include locations—in some circumstances you wouldn't want to tip them off that you knew that much. So I would take it case-by-case.

Chairman MURKOWSKI. As a consequence of attitudes expressed by various groups with regard to their feeling that our Government was not doing enough, there have been stories, and on a few occasions actual accounts of groups taking action of their own to initiate a penetration of Vietnam, perhaps Laos as well, have you had any current information as to these alleged activities in either Vietnam, or Laos, or Cambodia?

Mr. WOLFOWITZ. Well, there have been some principally. The ones I'm aware of in Laos in the past, and it's our strong belief that these have been based on incomplete false information. They not only put lives at risk, but in the case of Laos, they also derail government-to-government efforts.

When I was in Laos in December I met with the Deputy Foreign Minister, and raised the question and reports we had that there might be Americans who had been captured in that way. He said if there were we wouldn't be meeting this way, we wouldn't be meeting to discuss the subject.

I think that we have taken a very strong position against private efforts of this kind because, in fact, I think they set back progress on the issue.

Chairman MURKOWSKI. If my recollection is correct, when we were in Laos, and were meeting with Vice Foreign Minister Sou Banh, there was some statement that he made, Senator DeConcini, with regard to the possibility of four Americans that may be attempting to enter the country illegally, that they had notified their outposts, but he had no confirmation that they were in the country, but he made it a point to tell us that.

And I gather then, speaking from the standpoint of an official policy of our nation, we can't keep Americans from entering illegally, but that's not a policy that we encourage. We encourage a government-to-government, and I assume that anyone entering those countries illegally is responsible for whatever the appropriate reaction is from those countries. Is that right?

Mr. WOLFOWITZ. That's right. And more than that, Senator. They are acting contrary to U.S. policy, and they are endangering the efforts to get the cooperation on the POW/MIA issue because information on which actions of that kind ought to be taken, you want to be sure about the information, and it's the government that ought to do it.

Chairman MURKOWITZ. The testimony that we've had for the record, there's been a lot of communication as to the role of the U.S. Embassy in Bangkok, and various representatives. Do you have any knowledge of instances where personnel within the embassy, perhaps through the lack of training, or experience, acted improperly, or didn't follow-up in an appropriate manner? Of course, that embassy would receive the exposure because that's where most of the action has occurred.

So I want to be fair in presenting the question, but I think it's appropriate that we ask it.

Mr. WOLFOWITZ. The personnel assigned to Bangkok to deal with this are, in fact, personnel assigned by the Department of Defense, so perhaps they're the ones with a definitive comment, but I have dealt with some of those people, our ambassador there deals with them on a daily basis. I believe they are fully committed to this issue. They work very hard at it. They'd like, as much as any of the rest of us, to get results. And I've got personal confidence in them from everything I've been able to observe.

Chairman MURKOWSKI. What tactics do we use in approaching refugees to encourage them to give us information, refugees that are coming into Thailand? You know, there's a camp up near the Cambodian border, and there's another one where they moved down closer to Bangkok itself.

Is it generally known that we offer monetary rewards, better housing, clothes, quicker processing? Is there a conscious incentive that is known among refugees that they can come?

Mr. WOLFOWITZ. I don't think any refugee who had information would have any reason to withhold it. I think if we started offering incentives we, in fact, would just get more bad information. And, indeed, I think some of the bad information we get comes from people who think they will get some reward for it. There's no question a lot of them believe that.

I think our principal effort is making sure that everyone who may have information knows that the U.S. Government is interested in it, and might——

Chairman MURKOWSKI. How does it circulate in the camps, that America is very interested in this subject, and if you have any information? Is it part of the debriefing, or is there some effort, conscious effort made to communicate with these refugees?

Mr. WOLFOWITZ. There's quite a bit of conscious effort. It's in refugee interviews. It's in notices in the camps. And, in fact, I might say we have been successful with a number of countries, and Hong Kong, who maintain closed camps where they allow no access to the occupants of those camps from even international humanitarian organizations, because they have not accepted the status of these people as refugees.

And yet we have been able to get—one exception we've been able to get is for our POW/MIA people to get in to let it be known that we're interested and to interview people who may have information.

Chairman MURKOWSKI. Now, we've had testimony that would imply that there may have been some abuses directed towards refugees by representatives of our government in one capacity or another to obtain information regarding MIA's. Do you have any knowledge or any comments to make with regard to those allegations?

Mr. WOLFOWITZ. I have no knowledge, and I find it inconceivable.

Chairman MURKOWSKI. General, have you ever——

General PERROOTS. No, sir. I previously addressed that in general terms, and, as I stated, there have been several inspections looking specifically into those allegations.

There have been complaints raised by certain individuals. I think Mr. Van Ata perhaps, and a few others have raised these charges. Usually, these charges originate from a small number of people who are dissatisfied with the results of the interrogation.

These sources have been known to have provided some information that was not corroborated by other information. You have to press these sources. This could be interpreted as some form of abuse, I suspect.

I can assure you that our interview procedures are hard and fast. There is no abuse of sources. Quite the contrary, they're treated very well, and they will continue to be treated that way. We have no substantiation to any charge of abuse of sources. If anybody has any specifics, I'd like to have it.

I would just like to amplify my previous response to Senator DeConcini regarding the disclosure issue.

Senator, to my knowledge, any report that's received and which can be connected to a name of an unaccounted for individual is provided to the next of kin. That report is sanitized through removal of classified information namely intelligence sources and methods and provided to the next of kin.

I know of no pertinent reports in our files which mention a name and which hasn't been provided to the respective next of kin.

Senator DeConcini. Would the Senator yield? If I could just follow that up.

General, does that mean that if the name of the family or the POW—I mean the MIA—is mentioned in the report, then it is declassified and given to the family?

General Perroots. In one form or another, yes, sir.

Senator DeConcini. Now, what if the individual is not named, but the unit is named, the aircraft is named, the date is named, the possibility of the village that they were near, or that there was information that someone has seen him jumping out of an airplane, or roaming through a village, what about that?

General Perroots. If we had that much, yes, sir, that would be provided.

Senator DeConcini. If you could identify who the family was of those particular people, you would declassify that and give that?

General Perroots. Yes, we're certainly sensitive to that issue and we do provide that information to the next of kin.

Senator DeConcini. So you're telling us that all that information has been turned over. You don't have any information given by, where there is an unnamed person, a refugee or other source, who has come forward with detailed information relating to a particular incident, that you have not turned over to next of kin if you can correlate that information to a POW/MIA?

General Perroots. If we can make that connection we do provide that to the respective next of kin.

Senator DeConcini. And have you done that since you've taken over, gone back over those files, or was that General Tighe's policy, and exactly where are we today?

General Perroots. I'm not sure. We look at all of the files with a view toward providing as much information as possible. I can say that this policy has been in effect for many years.

Senator DeConcini. That's the policy now?

General Perroots. Yes, it is.

Senator DeConcini. Are you satisfied that that has been done prior to your coming in?

General Perroots. All such information has been passed to the families for years. I don't know exactly when it started, sir. I can find out.

Senator DeConcini. But you are satisfied that that has been done?

General Perroots. Yes, I am satisfied because of the oversight built into the system.

Senator DeConcini. Well, you don't need to go into that now——

General Perroots. Yes.

Senator DeConcini. Just what is that oversight system?

General Perroots. All right, fine.

Senator DeConcini. Thank you, Mr. Chairman.

Chairman Murkowski. Senator DeConcini.

General Perroots. It has always been U.S. Government policy to provide pertinent information to the next of kin.

Senator DeConcini. Pardon?

General Perroots. The next of kin have always been notified of pertinent information.

Chairman MURKOWSKI. Secretary Wolfowitz, I assume that you have had a chance to review the record of the previous two hearings and the witnesses that are to be briefed on it?

Mr. WOLFOWITZ. I have reviewed parts of it, Senator. I have had other parts summarized for me. I believe I am familiar with it.

Chairman MURKOWSKI. This is really Senator DeConcini's question, but since he may not intend to ask it, I am curious to know your assessment of the portion of the record concerning Colonel Howard's statements before this Committee, a well-recognized American hero, who has obviously expressed his convictions to the Committee.

Mr. WOLFOWITZ. It is a striking story, and I think the Senator's suggestion that General Perroots meet with him, I think, and General Perroots' willingness to do so, I think is a good idea.

Chairman MURKOWSKI. That's the extent of your assessment?

Mr. WOLFOWITZ. I don't know. I mean, I find it hard to square with what I would consider behavior by people that are described in there as doing the things they did. I just have a hard time believing it. I guess the Senator who has met with Colonel Howard has a hard time believing that he would make it up.

And so, you are left with one of these things where, I think, as the Senator suggests, you would like to at least see two individuals, both of whom seem to be telling the truth, at least talk to one another and see if maybe there is something they can get to the bottom of.

Chairman MURKOWSKI. Senator DeConcini, do you have any questions of the Secretary?

Senator DECONCINI. No, not at this time.

Mr. WOLFOWITZ. Thank you, Senator.

Senator DECONCINI. And I want to thank you also publicly for the constant communication. I know you were in communication both with me and with the Chairman while we were planning our trip and during the trip itself. It was very helpful.

As you know, Mr. Secretary, no live American POW's were ever returned directly from Laos, and since we have an official document corroborating the fact that there were POW camps in Laos, with several hundred POW's there during the war, how do you explain to the American public that no POW's were returned from Laos?

Mr. WOLFOWITZ. I guess there were the nine that were returned via the Vietnamese.

Senator DECONCINI. Through Vietnam.

Mr. WOLFOWITZ. And four in 1962, sir.

Senator DECONCINI. Okay.

Mr. WOLFOWITZ. And beyond that, Senator, I don't have an explanation.

Senator DECONCINI. Oh, I'm sorry. I was just told that you went over this ground while I was gone, and so I'll take your answer from that time. I wasn't here, and I apologize.

Mr. Wolfowitz, there have been numerous allegations concerning the degrading treatment of refugees during interrogation. Was that gone over, too?

Mr. WOLFOWITZ. It was just covered, yes.

Senator DECONCINI. Okay. That makes my day real easy.

Scott Barnes—did they go over this? No, I'm going to ask that to the General? Did they go over this?

Mr. Secretary, down two, one more to come, and maybe this will be a short one, too.

In his testimony, Scott Barnes alleged that photographs and other intelligence information gathered during the Bo Gritz operation into Laos were handed over in fact to Colonel Paul Mather in our Bangkok embassy.

Were those materials forwarded to Washington, to your knowledge, and if so, was this information classified or where is it?

And can you share with this Committee any background as to that allegation, its veracity, and where the material might be?

Mr. **Wolfowitz**. I might say this happened in 1981, before I was involved, and I can't tell you a great deal. I can tell you that this information would have been passed through the JCRC people in Bangkok back to DIA. They have said they have received no such information. I know the individuals involved and I don't see any reason why they would in any way misrepresent, and I don't mean to make an accusation—but I understand, and I would like to be told it is not true, that Mr. Barnes, when he was in Thailand, misrepresented himself as a member of the Congressional Staff.

I don't get the impression we are dealing with the same sort of individual as the one——

Senator **DeConcini**. Did you make a personal inquiry regarding this?

Mr. **Wolfowitz**. No, I did not.

I will, if you would like, Senator.

Senator **DeConcini**. I would. Thank you.

Mr. **Wolfowitz**. I will.

Senator **DeConcini**. That's all the questions I have of the Secretary.

Chairman **Murkowski**. Okay, thank you.

The way we intend to pursue this subject to agreement among my colleagues, is after we excuse the Secretary, we will go into our next panel, and that panel will include, we will give the General three or four minutes to stand up and stretch—will include the balance of——

Senator **DeConcini**. May I ask one question that we won't get into the other generals with General Perroots before we break to do that, Mr. Chairman?

Chairman **Murkowski**. Go ahead.

Senator **DeConcini**. This deals with a particular case, General Peroots.

General **Perroots**. Yes.

Senator **DeConcini**. During an Air Force status review in 1980, on Colonel Hopper's son, Lt. Col. Earl Hopper, Jr., Colonel Hopper indicated that classified documents were introduced in that hearing, which were not made available to him, his wife, or his attorney.

Would you please provide such classified information to me for my review? If there are no security implications involved in those documents, can we expect pressure to be applied, if necessary, to make that information available to Colonel Hopper?

General PERROOTS. Upon receipt of a letter from Colonel Hopper relative to release of his son's file, I will provide you with the reports.

Senator DECONCINI. And will you also review them, if any of them are classified, and inform me why they could not be turned over to the family?

General PERROOTS. Absolutely. I have reviewed Colonel Hopper's son's file and the documents in it were sanitized and released to the family. I will check again to see if there were additional documents that were not provided.

Senator DECONCINI. Thank you. I can give you a few suggestions.

Mr. Chairman, I'll wait until the next group of witnesses.

Chairman MURKOWSKI. Thank you. Before I—go ahead.

Senator DECONCINI. Mr. Bilirakis has his hand up. Do you want me to yield?

Mr. BILIRAKIS. Well, I just—if you would, yield a moment. You would furnish whatever information is in the DIA file, is that correct, General?

General PERROOTS. Yes, sir.

Mr. BILIRAKIS. Might there be information in any other file that might be pertinent to Colonel Hopper's son which may not be in your file?

General PERROOTS. That should not be the case. I can't guarantee that there's not some information somewhere that would have some relevancy to Colonel Hopper.

Mr. BILIRAKIS. Thank you.

Chairman MURKOWSKI. I have one remaining question for the Secretary.

Mr. Secretary, there have been references made to a certain video film footage with regard to living Americans that are being held in captivity in Southeast Asia. Does your office have any knowledge, or have you heard of this film, it's allegedly a videotape?

Mr. WOLFOWITZ. I have heard of it, and I was told that we have never been given a copy of it.

Chairman MURKOWSKI. And has your office initiated any follow-up on that? Any contacts through your State Department outlets?

Mr. WOLFOWITZ. It's been checked through Defense attaché channels which is to say, General Perroots' people that work out in the field.

Chairman MURKOWSKI. And what, to your knowledge, had been the response of those checks?

Mr. WOLFOWITZ. We have not been able to turn up any such tape.

Chairman MURKOWSKI. And you cannot enlighten us any further? You just heard about it, and you've attempted to follow up and it's gotten you nowhere, is that right?

Mr. WOLFOWITZ. As far as I know, that's right, Senator.

Chairman MURKOWSKI. General, were you going to——

General PERROOTS. I was simply going to say we will provide you amplification on my testimony in closed hearing as to what we know about the videotape.

Chairman MURKOWSKI. Thank you.

General PERROOTS. There is an aggressive follow-up being pursued regarding this videotape.

Mr. BILIRAKIS. Mr. Chairman, before the Secretary leaves, referring to the letter that was supposedly, and not the contents of the letter, now, because of the sensitive nature—but the letter that was supposedly turned over to the White House by Congressman Hendon, that was referred to in our executive sessions, I'm just wondering if the Secretary has any knowledge of that letter, and if there has ever been any follow-up on it, but I don't want to get into the contents of it, obviously.

Chairman MURKOWSKI. If you would care to address that question, I think it would be appropriate.

Mr. WOLFOWITZ. I don't specifically—on that letter—know, Congressman.

Mr. BILIRAKIS. You are not aware of the letter?

Mr. WOLFOWITZ. No, not specifically, but I will look into it.

General PERROOTS. I think we are referring to the letter associated with the videotape case. I am aware of it and was asked to take immediate action.

Chairman MURKOWSKI. I am sorry. I didn't hear your response.

General PERROOTS. I think we are talking about the same letter.

Chairman MURKOWSKI. Well, let's make sure we are before we get off on it, because it is important. Now, Representative Bilirakis, specifically, you are referring to——

Go ahead.

Mr. BILIRAKIS. Well, I am referring to a letter which was personally hand-carried to the Vice President by Congressman Hendon. This would have been early February, I believe, that was our second hearing.

General PERROOTS. It might have been late January.

Mr. BILIRAKIS. Maybe late January. It was about the time of our second hearing, whatever that date is.

We are talking late January or early February, so you know, it can only be one letter that was personally hand-carried by Congressman Hendon to Vice President Bush.

General PERROOTS. I am not sure there can only be one letter, but I am privy to a letter concerning the tape that we are talking about.

Chairman MURKOWSKI. Well, I am going to ask the next question if my colleague isn't. Has there been an answer to that letter?

General PERROOTS. I am not sure, sir. We better make sure that we are talking about the same letter.

Mr. BILIRAKIS. Well, probably in executive session, we could go into more detail, sir. I just wondered since the Secretary was here, and I don't know whether he will be in executive session or not, I just thought I would bring that out.

Chairman MURKOWSKI. He will not be in the executive session, Representative Bilirakis.

I hate to leave us hanging, unsure of what we are talking about. I think I know what I am talking about. I think I understand what Representative Bilirakis is talking about, but since Senator DeConcini hasn't brought it up, he is either with us, or thinking about it, but it is important. We know there was a letter. We have acknowledged that it was delivered to the Vice President and it concerns the video question, and we don't know if we have an answer.

We know the Committee has not received any information relative to the video matter nor any other information, I understand, pertaining to discussions that were held in closed session with regard to the material.

So I want to make sure that the record, I assume we all agree on that, gentlemen?

So we are going to get a copy of the letter now, which we will present to you maybe for the first time. We can get it now, or we can get it to your office.

Mr. WOLFOWITZ. From the nature of the letter, it seems clear this is a letter that has been followed up by DIA. It's the kind of subject matter for them to pursue. It happens to be their people who are serving in embassies abroad, but they are General Perroot's people.

Chairman MURKOWSKI. Well, the letter certainly wasn't addressed to you.

I see no purpose in keeping this witness.

I want to thank you, Mr. Secretary. I think this is probably the last time that you may appear before a Senate Committee. I don't know whether the House has you scheduled before you run off to Indonesia, but for whatever purpose in your own portfolio, why it's been a pleasure to have had you before us. We appreciate your testimony, and we wish you well as you depart as our very able Ambassador to Indonesia.

We will take a 5-minute break. We will reconvene, and I will call the entire—we will be in public open session—I will call all the remaining witnesses and I will announce them now, so you will know the text, verse and chapter, as soon as my pronounciation sheet appears with all my notes.

General Leonard Perroots will continue on the panel. Mr. Charles Trowbridge, Defense Intelligence Agency; Maj. Gen. William C. Moore, U.S. Army, Director of Operations, Readiness and Mobilization, Office of the Deputy Chief of Staff for Operations and Plans, here in Washington.

Maj. Gen. Kenneth C. Leuer, U.S. Army, Commanding General, Fifth Infantry Division (Mechanized), Fort Polk, Louisiana.

And we will reconvene in four minutes.

[Brief recess taken.]

Chairman MURKOWSKI. Again, we have Mr. Charles Trowbridge, Defense Intelligence Agency. We look forward to you. We have a sign up and an empty seat, and that means that Mr. Trowbridge is now with us, appropriately identified.

Maj. Gen. William C. Moore. General Moore, U.S. Army, Director, Operations, Readiness and Mobilization, Office of the Deputy Chief of Staff for Operations and Plans, Washington, DC.

Maj. Gen. Kenneth C. Leuer, U.S. Army, Commanding General, Fifth Infantry Division, Fort Polk, Louisiana, and I gather we will still have available to us, Lieutenant General Leonard Perroots, is that correct?

He is still available and he is just sitting in a different chair. I apologize, General Perroots. I said Perieux. I at least didn't pronounce it piranha. My Irish dialect occasionally leads me astray.

Gentlemen, would you stand, as the other witnesses have?

[Whereupon, the witnesses are sworn.]

Chairman **Murkowski**. You may proceed. I would ask if you have initial statements to make?

Mr. **Trowbridge**. No statement.

Chairman **Murkowski**. Mr. Trowbridge, do you have a statement?

Mr. **Trowbridge**. No statement, sir.

Chairman **Murkowski**. Major General Moore?

General **Moore**. No.

Chairman **Murkowski**. Major General Leuer?

General **Leuer**. No, sir.

Chairman **Murkowski**. Have you gentlemen had an opportunity to review the testimony of the two previous hearings held by this committee?

Mr. **Trowbridge**. Yes, sir. I have.

General **Moore**. In part, sir.

General **Leuer**. In part, sir.

Mr. **Trowbridge**. In part, sir.

Chairman **Murkowski**. I would direct my questions to Mr. Trowbridge.

And, Mr. Trowbridge, in your position at the Defense Intelligence Agency, I recognize that we may get into some areas which are classified, and I would hope that my questions have already been examined so that I don't cover an area that is sensitive. If I begin to, I would appreciate you interrupting me at any time.

It's my intention, subject to agreement with my colleagues, that we would put off and go into a classified session at the conclusion of our public session. I want to keep as much of this on the public record as possible, so unless there is any objections to that?

Senator **DeConcini**. Mr. Chairman, just let me say that that is fine with me. I have roughly, five questions of these two outstanding military leaders that I would like to ask in a closed session.

Chairman **Murkowski**. Surely.

Senator **DeConcini**. And I also have one question of General Perroot that I would like to ask in closed session, too.

Chairman **Murkowski**. Is that agreeable with you, Representative Bilirakis?

Mr. **Bilirakis**. Yes.

Chairman **Murkowski**. All right.

Mr. Trowbridge, it has been alleged by witnesses who testified earlier that you personally have impeded efforts to recover live Americans from Southeast Asia. Would you explain that, please, to the committee?

First of all, is there any truth to it?

Mr. **Trowbridge**. There is absolutely no truth to it.

Chairman **Murkowski**. Would you comment with some detail, because you've had an opportunity to review the allegations in the record, and——

Mr. **Trowbridge**. I have no idea why anyone would make any such allegations. There is absolutely no truth to it.

Chairman **Murkowski**. Well, you have observed and you know the names of the witnesses?

Mr. **Trowbridge**. Yes, sir.

Chairman MURKOWSKI. And without exception, you say there is no truth to any of that?

Mr. TROWBRIDGE. Without exception.

Chairman MURKOWSKI. Can you provide us with a possible motivation for these allegations?

Mr. TROWBRIDGE. No, sir, I can't. I know some of those individuals have made other allegations that are not true. I have no idea why they have singled me out.

Chairman MURKOWSKI. What was your capacity when those allegations were made?

Mr. TROWBRIDGE. I have been with the Defense Intelligence Agency working with POW issues since December 1971. At that time, I was a Commander in the United States Navy. I was the Branch Chief of the POW/MIA issue at that time.

Chairman MURKOWSKI. Did these allegations occur during the time you were with the Intelligence?

Mr. TROWBRIDGE. No, sir. I was just going to give you a history of how long I have been associated with the issue. I was the Branch Chief until 1976, when I retired from the Navy. I then was hired as a consultant to the POW/MIA branch within DIA for a little over a year. I then was brought on board as a permanent employee of the Agency. And I have been serving as a deputy chief of the POW/MIA office ever since. So, regardless of what time frame they are talking about, any of those allegations are not true.

Chairman MURKOWSKI. Well, I don't know that I am totally satisfied with the extent of your response. There were several allegations made, and the response you have given us, while I don't dispute the contention that it did not occur, as far as the truth, we had considerable testimony on the subject specifics, and I could pull it out if necessary but I'd hope you would be inclined to volunteer a little bit more.

Mr. TROWBRIDGE. Well, I know there's been a lot of allegations. I don't recall where I have been specifically mentioned in the testimony. Maybe if you could give me just some of the specific allegations, I will address them.

Chairman MURKOWSKI. Well, your name has been mentioned.

Mr. TROWBRIDGE. I am not aware of the specific allegations.

Chairman MURKOWSKI. Okay.

Well, I will attempt to get that because I think it's appropriate, since I brought it up, that I find it.

To your knowledge, has anyone in this government ever expressed the view that for any reasons, Americans remaining in Southeast Asia should not be allowed to come home?

Mr. TROWBRIDGE. Absolutely not.

Chairman MURKOWSKI. Where does the buck stop with a decision on whether or not to pursue a live sighting report, from the standpoint of the Intelligence committee?

Mr. TROWBRIDGE. As far as our Agency is concerned, an analyst reviews a report and comes to a decision. Thereafter the evaluation is reviewed by four individuals within the branch. The evaluation, when formalized, is put in written form and it's disseminated within our Agency and outside of our Agency.

Chairman MURKOWSKI. Well, does it stop with you, or?

Mr. TROWBRIDGE. No, sir. These evaluations, as I say, go beyond DIA in their evaluated form, and they can be challenged at any time along the way.

Chairman MURKOWSKI. What's the last resort? If it goes beyond you?

Mr. TROWBRIDGE. If it goes beyond us and no one challenges it, it stands as an accepted evaluation.

Chairman MURKOWSKI. What historically has the highest decision gone to what level in your experience, beyond—I assume its safe to say from a general point of view, you are the final decisionmaker, it can go higher, how high has it gone?

Mr. TROWBRIDGE. I'm not the final decisionmaker.

Chairman MURKOWSKI. All right, well——

Mr. TROWBRIDGE. I'm the Deputy of the office. The evaluation which is reached at the analytical level is disseminated. Our evaluations are either accepted or not accepted.

Chairman MURKOWSKI. Have you ever been overruled on a decision not to pursue a live sighting report?

Mr. TROWBRIDGE. No, sir. Absolutely not.

Chairman MURKOWSKI. None?

Mr. TROWBRIDGE. No. On some occasions when someone has reviewed a case, they've recommended another avenue we might pursue and we've done that. But absolutely no one has ever told me not to pursue one.

Chairman MURKOWSKI. Well, let me put it this way. Have you ever been overruled on a decision to pursue a live sighting report?

Mr. TROWBRIDGE. No.

Chairman MURKOWSKI. Regarding the 97 unresolved live sighting reports, and that's changed, now, isn't it? It's 112. Has every intelligence-gathering capability available in your opinion, your professional opinion, been utilized to either prove or disprove the reports?

Mr. TROWBRIDGE. Yes, sir. We work within the system. The disciplines are there and we use all the intelligence disciplines.

Chairman MURKOWSKI. Do you think our intelligence community has the capability to once and for all to determine whether Americans have been held in Southeast Asia since the end of hostilities 13 years ago?

Mr. TROWBRIDGE. I think it goes beyond the intelligence community. I mean, we've got to have the cooperation of the governments. I think we've got to have a government to government solution as well as the intelligence side.

Chairman MURKOWSKI. Well, that's ideal, but we haven't necessarily had total government-to-government cooperation so we've had to rely on our intelligence capability.

Mr. TROWBRIDGE. Well, I think if our intelligence capabilities had no flaws or if we had total access we'd have had the problem solved.

Chairman MURKOWSKI. Where did the 95 to 112 come from? The live sightings.

Now, the previous testimony I think generalized that it was 95; then we said it was 112. And I think Representative Bilirakis, or maybe Representative McEwen or maybe Senator DeConcini indicated that it may have come from refugees or a combination.

Mr. TROWBRIDGE. Basically, the increase came from the human sources who are the refugees flowing out of Indochina. However, we do receive reports from other sources.

Chairman MURKOWSKI. I'm sorry. I was distracted. Please proceed.

I was trying to get an answer to the question which seems to have been taken in vain somewhere here in the record.

Mr. TROWBRIDGE. Most of our reports originate from the refugees coming out of Indochina.

Chairman MURKOWSKI. So it's an intelligence function based on that information? So is that where the 112 came from?

Mr. TROWBRIDGE. There are other sources besides the refugees who have provided this information, but basically, it's the human sources.

Chairman MURKOWSKI. To your knowledge, has anyone ever corroborated any of Private Garwood's assertions that Americans were being held in Southeast Asia at least until the time he left?

Mr. TROWBRIDGE. No, sir.

Let me make sure I have your question right.

Chairman MURKOWSKI. Well, to your knowledge, has anyone ever corroborated the story of Private Garwood's assertions that Americans were being held in Southeast Asia at least until the time he left?

Mr. TROWBRIDGE. I'd say, no, to that.

Chairman MURKOWSKI. You'd say, no. Are you satisfied that——

Mr. TROWBRIDGE. We have not——

Chairman MURKOWSKI [continuing]. Your answer's no, or would you like to examine that?

Mr. TROWBRIDGE. I guess I have a little problem with the question. Let me answer it, and then see if I've answered your question correctly.

Chairman MURKOWSKI. You know, have you gone back and taken his statements and examined them to your satisfaction that the allegations that he made are not sufficient to support his convictions?

Mr. TROWBRIDGE. All right. I wasn't quite sure if you were referring to us equating something to Bobby Garwood or what Mr. Garwood had said.

We had our first meeting with Mr. Garwood yesterday.

Chairman MURKOWSKI. Your first meeting?

Mr. TROWBRIDGE. Yes, we had our first meeting with Garwood yesterday.

Chairman MURKOWSKI. You never met with him?

Mr. TROWBRIDGE. We have never met with him before.

Chairman MURKOWSKI. Any reason why you wouldn't have? How long it's been at least 7 months.

Mr. TROWBRIDGE. We have tried to meet with Garwood since the first day he put his foot on U.S. soil.

Chairman MURKOWSKI. In what manner have you tried?

Mr. TROWBRIDGE. We have worked through his attorneys because of litigation that was pending.

Chairman MURKOWSKI. Can you document your attempts to contact him?

Mr. TROWBRIDGE. Yes, sir. Yes, sir.

Chairman MURKOWSKI. For us?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. And there have been numerous ones, is that correct?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. And you will document that for the Committee? Why did he meet with you yesterday, if he has not met with you previously?

Mr. TROWBRIDGE. Well, his appeal process has been completed.

Chairman MURKOWSKI. His appeal process for what?

Mr. TROWBRIDGE. He is appealing his conviction of being a collaborator.

Chairman MURKOWSKI. Conviction of being a what?

Mr. TROWBRIDGE. A collaborator.

Chairman MURKOWSKI. A collaborator. But he appealed the charge, is that correct?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. And his time has now expired for the appeal?

Mr. TROWBRIDGE. I believe it was in December that the final decision was made in the Supreme Court that they would not hear his appeal.

Chairman MURKOWSKI. Would not hear—so is it fair to say that his conviction stands?

Mr. TROWBRIDGE. His conviction stands.

Chairman MURKOWSKI. Tell me in a laymen's language, then, why he's willing to talk to you, now?

Mr. TROWBRIDGE. I don't know, but he suddenly has decided to talk to us.

Chairman MURKOWSKI. Can you tell us what he told you?

Mr. TROWBRIDGE. We met with him yesterday afternoon for our first session. The information we gathered was fairly limited. He did provide us some information.

Chairman MURKOWSKI. Did he provide you any new information that you didn't already have?

Mr. TROWBRIDGE. Yes. Because the only information that we'd had previous to that time was from newspaper accounts or from what we heard from someone else.

Chairman MURKOWSKI. He gave you—well, can you tell us what he gave you? You said, new information?

Mr. TROWBRIDGE. I will tell you that in closed session, sir.

Chairman MURKOWSKI. Do you have reason to believe the information is timely in the sense of being current?

Mr. TROWBRIDGE. It's not current, no, sir.

Chairman MURKOWSKI. It's not current. Can you tell us how old it is?

Mr. TROWBRIDGE. Almost 10 years old.

Chairman MURKOWSKI. I see. Almost 10 years old. Why is it classified?

Mr. TROWBRIDGE. Well, I could probably address that in closed session, as well.

Chairman MURKOWSKI. Well, can you give us a nonclassified general answer to why it is.

Mr. TROWBRIDGE. He's talking about Americans and therefore we should keep it classified until we've had a chance to investigate it properly.

Chairman MURKOWSKI. Americans that are missing in action, is that correct?

Mr. TROWBRIDGE. Well, we don't know whether they are missing in action, or not, but he's talking about Americans.

Chairman MURKOWSKI. Okay. Well, I'm not going to pursue it, but it would appear that you might give us a little more information as to the need for classification because I, you know, I think a statement has already been made by several witnesses, including members of the panel, that so much information for some reason ends up classified, yet everybody agrees that there's no real reason to have it classified. But, again, there are areas and there's people and their families that we want to——

Mr. TROWBRIDGE. The present policy, sir, is any information that deals with the reporting of a live sighting of an American is classified secret.

Chairman MURKOWSKI. Did Private Garwood provide you with information regarding American prisoners of the Le Nam Da Street Compound?

Mr. TROWBRIDGE. Some of the information he discussed with us was in that area, sir. To what extent, I'd like to talk to it in closed session.

Chairman MURKOWSKI. Can you tell us whether this information was provided via a Vietnamese source? This information with regard to the Le Nam Da Street Compound?

Mr. TROWBRIDGE. We have another source that has reported on that particular area, yes, sir.

Chairman MURKOWSKI. Is that a classified area, as well?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. Did Private Garwood have any personal knowledge of the Vietnamese source prior to that source being interviewed?

Mr. TROWBRIDGE. He made no mention of it.

Chairman MURKOWSKI. He made no mention of it?

Mr. TROWBRIDGE. No, sir. Not in our meeting, yesterday.

Chairman MURKOWSKI. What is your procedure as far as future meetings with Private Garwood? Has he agreed to meet with you?

Mr. TROWBRIDGE. Sir, we've been asked by Mr. Garwood to keep any of our meetings with him in a confidential manner.

Chairman MURKOWSKI. Including any determination of future meetings?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. Well, you've acknowledged that you had a meeting?

Mr. TROWBRIDGE. Yes, sir. I think this first meeting was public knowledge. As to any subsequent ones, he wanted treated confidentiality.

Chairman MURKOWSKI. So you wouldn't rule in or out the possibility?

Mr. TROWBRIDGE. We are certainly hopeful of other meetings.

Chairman MURKOWSKI. Do you feel there's a necessity of others?

Mr. Trowbridge. Yes. And I think we will have others. We have discussed that.

Chairman Murkowski. My time is up, but I intend to pursue this with further questions.

Senator DeConcini?

Senator DeConcini. Mr. Chairman, you have asked a lot of the questions which were on my mind of Mr. Trowbridge. I have perhaps one.

Mr. Trowbridge, how many live sighting reports do you receive every week or month? Is there an average?

Mr. Trowbridge. Well, since 1975, we've received 828, and most of them have been over the last 6 years, and it varies, sir.

Senator DeConcini. And the procedure, all during that time, has been the same in handling each one of these?

Mr. Trowbridge. Yes.

Senator DeConcini. And can you explain to me, and maybe it was when I was out of the room, how the 95 became 112 and how the 811 became 828? Was that just a typing error, or?

Mr. Trowbridge. No, sir. This is a running total of the reports that we've received, and each month when we receive new ones they are added to last month's figure, thus the number increases.

Senator DeConcini. So you have received 17 new ones since February 19th, is that right?

Mr. Trowbridge. Since our last statement we added the new reports we received.

Senator DeConcini. February 19th was when you were going to present them, and at that, you had 811.

Mr. Trowbridge. At that time, I believe we were using a February 1st cutoff date because the testimonies had to be prepared in advance and provided to the committee. So when we were rescheduled, we updated the figures.

Senator DeConcini. So since then, and as of today, that's where the increase comes to?

Mr. Trowbridge. As of yesterday, yes, sir.

Senator DeConcini. As of yesterday. So you have—that's a period of less than a couple of weeks, you have received a dozen or more reports in this last period?

Mr. Trowbridge. As I say, some months we get one or two or none, and some months we got more.

Senator DeConcini. And those received in the last 25 days are being processed in the normal procedures now?

Mr. Trowbridge. Yes, sir.

Senator DeConcini. Okay. Mr. Chairman, I have some questions for the generals if I can proceed on my time unless the Chairman wants to go back to Mr. Trowbridge?

Chairman Murkowski. I'd like to conclude a couple more questions, if you don't mind——

Senator DeConcini. I would be glad to yield.

Chairman Murkowski [continuing]. To Mr. Trowbridge.

Does the DIA investigate any second-hand live sighting reports?

Mr. Trowbridge. Yes, sir, we do.

Chairman Murkowski. Where's the cutoff? Tell us how you, obviously you would first, now you say, second. Do you third, fourth? Where do you cut it?

Mr. TROWBRIDGE. It's a judgment factor. Our priorities are the firsthand sightings.

Chairman MURKOWSKI. Who makes the judgment?

Mr. TROWBRIDGE. The POW/MIA office.

Chairman MURKOWSKI. Does it come to your attention if there's a crucial call?

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. So you sometimes make those decisions?

Mr. TROWBRIDGE. Of all the reports that come into the office our priority emphasis is placed on the firsthand live sightings. We might escalate our priority on a secondhand or a thirdhand sighting depending on the information involved and the circumstances surrounding it.

Of all the hearsay reports that we've received, we have reached a conclusion on probably about a third of them.

If you get a report that's third or fourthhand information, and its very vague information, there's really not much you can do about it. Priority wise, it doesn't get the emphasis that a firsthand report would.

Chairman MURKOWSKI. Okay. Tell me, though, how the process goes with resolved and unresolved, second, third, fourth hand reports, in the sense that you're changing the figure from time to time, based on information from all sources, whether it be refugees or intelligence, but I guess my question is, are there any second, third hand reports that are unresolved?

Mr. TROWBRIDGE. Yes, sir, there are.

Chairman MURKOWSKI. And these are part of the number?

Mr. TROWBRIDGE. No, sir. We were discussing firsthand numbers, there.

Chairman MURKOWSKI. That's a distinction I want to make.

Mr. TROWBRIDGE. Yes, sir.

Chairman MURKOWSKI. So those are strictly first hand?

Mr. TROWBRIDGE. We are discussing firsthand reports, there.

Chairman MURKOWSKI. Can you give us an idea of how many unresolved second or third, is that?

Mr. TROWBRIDGE. I don't have the exact figure, but I believe it's somewhere around 750 hearsay reports. I believe we've reached a conclusion on approximately 225.

Chairman MURKOWSKI. Is it fair to say that all the additional 17 reports that we're talking about are firsthand?

Mr. TROWBRIDGE. Firsthand, yes, sir.

Chairman MURKOWSKI. Now, give me the definition of a firsthand report. Do you——

Mr. TROWBRIDGE. A firsthand report is where, you Senator, have seen the individual yourself. You are reporting it to me.

Chairman MURKOWSKI. How about if I've seen a picture of the individual that Charlie Brown showed me?

Mr. TROWBRIDGE. That's not firsthand.

Chairman MURKOWSKI. How many of the 17 first hand reports are current in the sense of having been seen,—I don't know, where you break current and non-current—but that might be a question, too.

Mr. TROWBRIDGE. I believe that of the 17 there's been four sightings which occurred since 1979.

Chairman MURKOWSKI. Three?

Mr. TROWBRIDGE. Yes, sir, four sightings. The rest are prior to 1979.

Chairman MURKOWSKI. Prior to, so——

Mr. TROWBRIDGE. I could get you those exact figures, but I believe that's correct.

Chairman MURKOWSKI [continuing]. Fourteen are prior to 1979 of the 17. Three are during the period 1979 to 1985.

Mr. TROWBRIDGE. Yes, sir. Now, we're just talking about the new cases received since 1 January.

Chairman MURKOWSKI. New ones. I'm curious because its significant to us to hear of new ones, and then not so encouraging when you tell us that 14 of those new ones go back to 1975 to 1979, if I understand your testimony?

Mr. TROWBRIDGE. Yes, sir. Until we added these new 17, we only had three that were unresolved from 1979 up until the current date.

Chairman MURKOWSKI. Tell me the source of information of the three that you?

Mr. TROWBRIDGE. I believe they are all refugee reports.

Chairman MURKOWSKI. They are refugee reports from 1979 to 1985, and that's all. They're not—now, the intelligence comes in in the follow-up of these refugee reports. Can you tell us the status of these three? Because I'm interested from the standpoint of current information.

We've got a lot of old information.

Mr. TROWBRIDGE. We've received 17 new live sighting reports since January. Four of the sightings occurred since 1979.

Chairman MURKOWSKI. Yeah, give us an assessment of the three. From the refugees, you've investigated and found what?

Mr. TROWBRIDGE. We have just received these within the last few weeks. I can't tell you exactly, when we received them. But they will be looked at. In fact, they might have already been looked at. Messages will go back out to the field in most cases to reinterview the sources.

I don't know of one report in which we don't usually go right back to the source for amplification.

Chairman MURKOWSKI. Can you tell us how long it will take, all things being relative, before you have got some definitive reports on the status of these three?

Mr. TROWBRIDGE. Some of these might be concluded within weeks or months. There may be one which could take an extremely long period of time to reach a conclusion.

If we have some reports where the information is so limited that there's not much we can do, it will remain as an unresolved case for an extremely long period of time.

Chairman MURKOWSKI. Well, I'm going to talk to my colleagues about the appropriateness of maintaining this record. Obviously, we've got to get this thing resolved, but it's interesting to see, just as an example, I think, the processing of the more current cases.

My last question, sir, subsequent to our last two hearings, a number of witnesses came to this committee, particularly a Mr. Van Atta, and this is in response to the appropriate information you requested to name names. And we have since examined the record, and the record indicates that Mr. Van Atta advised us that you have aerial photos, maps, and pictures which establish that live Americans are in Southeast Asia.

My question sir is, is that correct, and if so, what is the status of the action and so forth?

Mr. **Trowbridge**. The answer is, that's not correct. I don't have any idea where Mr. Van Atta got that information. If he has information, maybe he ought to provide it to you.

Chairman **Murkowski**. Have you talked to this gentleman?

Mr. **Trowbridge**. I've talked to him on one occasion. I've met him briefly in the hallways and talked to him at various hearings and things of that nature. For instance, yesterday, he accompanied Mr. Garwood and I did meet him then and had a few social words with him.

Chairman **Murkowski**. Is it not appropriate that you would want to talk to him and get his——

Mr. **Trowbridge**. At one time, he claimed he had information and I contacted him, but he said he didn't want to talk to me, so I've had no more contact with him.

Chairman **Murkowski**. You have an open interest in again communicating with him?

Mr. **Trowbridge**. He can contact me anytime he wants and I will be glad to talk to him.

Chairman **Murkowski**. His allegation to you, which I guess is reflected in our record, he came to the—I should stand corrected—he came to this Committee after the hearing, and made the assertion—do we have the assertion in writing?

[Staff indicates they do not.]

Chairman **Murkowski**. No. So, there again, I apologize for dealing in secondhand information.

It's not the purpose of the Committee to do, but in fairness to you, it was brought to my attention, and I want to—so, it's up to you. If you want to confront him with it, we'd be glad to put the secondhand allegations which we have in writing and give to you.

Mr. **Trowbridge**. Mr. Van Atta does a lot of dealing in hearsay information. I don't think I'll follow up on it.

Chairman **Murkowski**. Thank you. I have no further questions for you.

Representative Bilirakis?

Mr. **Bilirakis**. Thank you, Mr. Chairman.

Mr. Trowbridge, you are now the Deputy Chief Special Office of VOPW, that translates to the MIA/POW?

Mr. **Trowbridge**. Yes, sir.

Mr. **Bilirakis**. And you have been in that position how long?

Mr. **Trowbridge**. Well, in various positions within the office since December of 1971.

Mr. **Bilirakis**. So you have been with DIA then, since 1971?

Mr. **Trowbridge**. That's correct.

Mr. **Bilirakis**. Has the process of dealing with live sightings, possible live sightings, remains, whatever the case may be, has the process in DIA changed in the last few years, let's say as Administrations change?

Mr. **Trowbridge**. That's correct. It has changed.

Mr. **Bilirakis**. It has changed?

Mr. **Trowbridge**. Yes.

Mr. **Bilirakis**. In what way? What's the difference?

Mr. **Trowbridge**. Well, as the Director mentioned in his testimony, we've had a large increase in personnel over those years and there's been more emphasis within the Agency.

Mr. **Bilirakis**. More emphasis within the Agency. Has the philosophy of the Agency changed in any way?

Mr. **Trowbridge**. Regardless of whether there was five people or 15, the resolve of those individuals that were working the issue has not changed.

Mr. **Bilirakis**. Mr. Trowbridge, can you illustrate for us, a live sighting report and the scenario that follows basically from A to Z? In other words, who the report comes from ordinarily, you know, I mean, you can pick a specific one if you want, or just speak in general-type terms, that ordinarily the report would come from such and such, and how that would ordinarily be treated by DIA, to include the types of cases, 800 plus live sightings, and many of them have been put in the resolved category, basically have been discarded, and some are still in the unresolved category.

So taking all that into consideration, can you go into that for us? And if there have been any changes or any differences in this scenario now, as against what it was maybe in the 1970's, during the early years.

Mr. **Trowbridge**. Yes, sir.

Maybe I should start and give you the scenario as to how they're handled today.

Mr. **Bilirakis**. All right.

Mr. **Trowbridge**. A refugee source provides information which is reported.

Mr. **Bilirakis**. All right. Who does that go to? That report?

Mr. **Trowbridge**. During the screening process, a refugee may approach a volunteer organization member within one of the refugee camps, or he may come directly to the Joint Casualty Resolution Center representatives within the camp, or he may write a letter concerning his information. In any event, he comes to our attention. If the information is passed in a refugee camp in Thailand the Joint Casualty Resolution Center representative contacts that refugee, and interviews him for all that information that he might have. They write a report, and that report is disseminated to the Defense Intelligence Agency, as well as the Office of the Secretary of Defense, and to the Joint Casualty Resolution Center Headquarters in Hawaii.

Mr. **Bilirakis**. Well, but it starts with a JCRC right in the field so to speak, at the refugee camp?

Mr. **Trowbridge**. Yes, sir.

Mr. **Bilirakis**. All right, and then that report—do all of these reports, regardless of whether the JCRC person places much credibility to them, do all of these reports find their way to you?

Mr. **Trowbridge**. No judgment regarding the information is made in the field. A report is collected and it's written and disseminated.

Mr. **Bilirakis**. Whatever it is, okay.

Mr. **Trowbridge**. Right.

Mr. **Bilirakis**. And there are no exceptions to that?

Mr. Trowbridge. There are no exceptions.

Mr. Bilirakis. Then where does that go?

Mr. Trowbridge. It comes to the Defense Intelligence Agency.

Mr. Bilirakis. Where? Here in the United States?

Mr. Trowbridge. Yes, here, in Washington.

Mr. Bilirakis. In Washington?

Mr. Trowbridge. Yes, sir.

Mr. Bilirakis. There aren't any representatives of DIA—forgive me, I don't mean to be rude in terms of interrupting you—there aren't any representatives of DIA let's say in Thailand or whatever who might have an opportunity to squelch this report or whatever?

Mr. Trowbridge. Absolutely not, it's a direct line here.

The incoming report is looked at within our office, and is assigned to the appropriate analyst, depending upon the geographic area mentioned. The analysts then look at it, and based on the information that's in the report, they may want to go right back to the interviewers in the field and request clarifying information based on what the man has said. We'll develop questions in areas for them to pursue and that information is then sent back out to the field. They'll go back and reinterview the individual.

In some cases, it may include a reinterview and a polygraph exam; and while that's going on, we may be initiating collection action in other areas to get to human sources that could possibly corroborate this individual's information. The sources may be from the same area, and we will also task collection assets in that area. We may task collection through technical means that may be able to confirm this individual's information. So there may be three or four different areas of tasking that will be disseminated relative to the receipt of that one report.

Whatever is collected from that tasking will flow back to the analysts, until we feel we have enough information to make a judgment. If we don't have enough information, we will continue to collect and the case will remain unresolved until we do.

Mr. Bilirakis. But there was testimony previously that the evaluations regarding live situation reports don't stop at DIA. They go higher. Is that correct?

Mr. Trowbridge. Yes, sir. When we bring a case to a conclusion, we write a summary analysis of it. This evaluation is disseminated outside of the agency. We have disseminated these cases to the House Task Force on MIAs. We've disseminated them up to the Office of the Secretary of Defense, the National Security Council, and to the Joint Casualty Resolution Center. So our summaries of the cases do get disseminated outside of our Agency.

Mr. Bilirakis. Okay. And that takes place even if you find no substance behind the analysis and you find them to be in a resolved category?

Mr. Trowbridge. Yes, sir. We might have resolved a case by correlating it to an individual who has returned to the United States. A source might have provided a live sighting report in which he observed, in 1969, an individual who had parachuted into a village at a certain time, and place, and a certain type of aircraft.

By using the debriefing of a returnee we can equate the circumstances surrounding his particular incident to a report. In that case, it is a resolved report and it gets disseminated.

Mr. BILIRAKIS. You do admit, don't you, and it's been admitted previously, that there probably are instances when information has been furnished to one particular department or agency or office or whatever, and it has not been made available to all of the others, in particular, DIA since you have this type of powerful authority on the subject?

Mr. TROWBRIDGE. Well, I don't know about the powerful authority——

Mr. BILIRAKIS. Well, you apparently, I mean, DIA has quite an input in the determination whether a case is resolved or not resolved?

Mr. TROWBRIDGE. Yes, sir. Any report that we correlate to an individual by name is forwarded to the appropriate parent service immediately. In fact, if a report comes from the field and the refugee mentioned an individual by name, then the parent service is an addressee on that initial message and they get it at exactly the same time we do.

Mr. BILIRAKIS. Well, have you ever had any instances where you've submitted the summary on up to DOD, Mr. Armitage, or whomever you answer to, and you've decided to discard a live sighting situation, in other words, to put it into the resolved category, but you've decided to discard it and put it in the resolved category. Have you been overruled at any time? Has DIA ever been overruled?

Mr. TROWBRIDGE. Yes, I've had my bosses say we ought to keep this case open and pursue it a little further. We do that regularly. We do that ourselves. I've done it numerous times when an analyst may bring a case to me and I'll say let's just check this one more time.

Mr. BILIRAKIS. Your boss, right now, your direct boss is General Perroot?

Mr. TROWBRIDGE. Yes. You heard the Director say that we've got review panels that have been established to review our cases. They don't stop in our office. They are now reviewed within the Agency and the review takes place outside of our office. In other words, the decision is not made within our office.

Mr. BILIRAKIS. Who makes the determination whether a case should be put in—the ultimate determination whether a case should be put in a killed in action, body recovered category or left in the MIA category?

Mr. TROWBRIDGE. Sir, that's not DIA's responsibility. Under Public Law, that comes under the purview of the Service Secretary and the Service Secretaries make the determination as to the status of a serviceman.

Mr. BILIRAKIS. Is there any review as far as their decision is concerned?

Mr. TROWBRIDGE. By us?

Mr. BILIRAKIS. By anybody?

Mr. TROWBRIDGE. No, that is the service responsibility.

Mr. BILIRAKIS. Well, Mr. Chairman, I had more. But I have got ten minutes to make that quorum call. I am not sure if I can do it from here.

Chairman MURKOWSKI. You can do it.

Mr. BILIRAKIS. I can do it. Well, I am going to try.

Chairman Murkowski. We can make it over halfway with about two minutes and five seconds. I am not willing to cut the questions off. Do not misunderstand me.

Mr. Bilirakis. If Mr. Trowbridge is still here when I return I would appreciate. Thank you, sir.

Chairman Murkowski. We will assume he is not going anywhere until at least 3 o'clock.

I am going to move now to our next witness Maj. Gen. William C. Moore, U.S. Army, Director of Operations, Readiness and Mobilization Office of the Deputy Chief of Staff of Operations and Plans.

I know you are here to answer questions. Do you want to clarify anything that may have come up that you think is significant to warrant your voluntary response.

General Moore. No, sir. I welcome the opportunity to come before the committee to in any way contribute to the clarification of statements made by Major Smith relative to that aspect of this whole very critical issue.

Chairman Murkowski. Can you tell us what capacity you were formally involved with that took you in some way, involved with the subjects before this committee?

General Moore. Yes. In my prior duty assignment, and that was from the period of July 1981 until the 3rd of September 1983, I was the J-3. That is the position comparable to the one I hold now, director of operations for U.S. Forces, Korea, Eighth Army and the combined U.S.-ROK Command.

In that capacity I had the staff responsibility and cognizance over the Special Forces Detachment Korea, SFDK, which at that time was commanded by then Major Mark Smith.

Chairman Murkowski. Tell us a little bit about the special forces. They were designed or formed to do?

General Moore. SFDK was a very small special forces detachment, nine personnel. Their primary mission was to support the ROK special forces command by providing special operations, technique and trade craft training.

Then also in time of contingency or in execution of war plans the members of that detachment would be liaison personnel to the Republic of Korea Special Forces units. That was it.

Chairman Murkowski. Special forces to a layman implies some quasi clandestine or unusual mission.

General Moore. Not so, Mr. Chairman.

Chairman Murkowski. Not Rangers or anything, not like Rangers?

General Moore. The special operation forces of the Republic of Korea are modeled much on the U.S. special operations forces model. Their primary mission would be to conduct deep missions against North Korean forces in time of war.

Chairman Murkowski. But this nine man SFDK group would you suggest that their mission might include any activities over the border of Laos, Cambodia, Vietnam?

General Moore. Most emphatically not, Mr. Chairman. They did not have a mission to do the kind of activities that Major Smith has described in his affidavits and his testimony.

Chairman Murkowski. You have made that point. You have made it very clear, but let's go back again to what their mission was. You have begin to—if you could just capsulize it, I would appreciate it.

General MOORE. Yes, sir. At that time SFDK was the only U.S. special forces element in the whole Pacific command, and as such they had a supplemental mission given them by Paccom, by U.S. Pacific Command to conduct special operations training with other friendly nations in the Pacific area outside of Korea. That was the context under which SFDK, its members, Major Smith and Sergeant McIntire and other members of that detachment were in Thailand. They were not there to pursue or collect information regarding U.S. POW/MIA. They were there to conduct what at that time was called SEASO, Southeast Asia Special Operations training which essentially was to join Thai SF detachments, make parachute jumps, conduct other kinds of trade craft training that was common to special forces throughout the world.

Chairman MURKOWSKI. Well, it was training but training for what?

General MOORE. The training that they were conducting with the Thais was really country to country training. We have throughout the Pacific area under the auspices of U.S. Pacific Command and the U.S. Army's Western Command country to country expanded relations programs where U.S. military of all services have relations with their counterparts in friendly foreign nations and exchange doctrine and training in a variety of different kinds of interfaces. This was one of them.

Chairman MURKOWSKI. General, let me ask you this question. Let's assume that in your command in Korea at the time you were there, 1981 to 1983 or thereabouts, there was information that came through the appropriate channels indicating that there were living Americans in Cambodia, Thailand—excuse me Cambodia, Vietnam, or Laos, would you have had a responsibility in directing an operation to try and bring those men back even if it may have been a covert function?

General MOORE. No, I would not have had that possibility.

Chairman MURKOWSKI. Was there at that time between 1981 and 1983 any knowledge that you may have had about what force would have been involved or utilized in that incident that hypothetically described had occurred?

General MOORE. No, sir.

Chairman MURKOWSKI. Had it occurred based on your professional analysis as a soldier and a general, what organization might have been called upon? Did we have anything in our military expertise for a mission like?

General MOORE. Mr. Chairman, we do have in the United States military establishment forces that are trained to conduct that kind of operation. These forces are the heart of counter-terror forces, but we do have that capability, but that capability did not exist in Korea, and that was not a mission of SFDK.

Chairman MURKOWSKI. It did not exist under your command.

General MOORE. It did not exist under my command.

Chairman MURKOWSKI. Can you explain why Mr. McIntire seemed to feel in general terms otherwise that indeed there was a mission that included their activity and input?

General MOORE. I will have to give you what I have been told.

Chairman MURKOWSKI. Well, they did not report to you directly, but they were under your command.

General MOORE. That is correct.

Chairman MURKOWSKI. Well, I assume that is in the vein that you are going to say what you have been told, is that correct?

General MOORE. Major Smith may—yes, sir. Major Smith may have assumed that he had some mission outside of his normal functional mission. I am told that he says he was given this by Pacific Command. Subsequent checking by those in authority in Korea and elsewhere have determined that he had no mission given to him by Pacific Command with regard to POW/MIA activities in Thailand.

Chairman MURKOWSKI. How about McIntire?

General MOORE. No, sir, I am speaking for the whole detachment.

Chairman MURKOWSKI. Did you ever order anyone in that unit to gather information on the POW MIA/issue?

General MOORE. No, sir.

Chairman MURKOWSKI. That was not a standing order within your command?

General MOORE. No, it was not.

Chairman MURKOWSKI. You cannot give us an explanation of why this occurred when these two men allegedly were a part of your command that they felt that they were on such a mission or were motivated by such a mission.

In your review of those service records, and I am a little foggy because I have to go back to my recollection of testimony, but was there not an implication that during their active service career they attempted to bring these matters in general up to the attention of higher authorities and that their promotion reviews may have been effected by the action that they were suggesting was not being taken by higher ups?

General MOORE. That has been made in testimony. During the time that Smith served as the commander of SFDK under my staff cognizance, he had at no time came to me with information regarding POW/MIA's.

It was only after I had left the command that he solicited my help in introducing information into the system. In February 1984 when I was attending a conference, I was in then my current job. I was attending a conference in Hawaii.

On the last day of that conference prior to my departure Smith approached me and asked me if I would help him introduce some information into the system that he was frustrated in not being able to do so in Korea.

Chairman MURKOWSKI. He was still in the service then?

General MOORE. Yes, sir, he was still in command of SFDK. This was in February of 1984. I told Smith at that time that I would help him. I would arrange for him to be debriefed by Defense Intelligence Agency people in Washington if he were to come to Washington.

If he could not come to Washington, if he would send that information to me, I would see that it got into the hands of those in Washington in DIA who were responsible for MIA/POW information.

Chairman MURKOWSKI. Was that debriefing every held?

General MOORE. It was not held.

Chairman MURKOWSKI. Why?

General MOORE. He communicated with me later advising me that he was not permitted to depart Korea to come to the United States as he had told me he would try to do.

Chairman MURKOWSKI. You say he was not permitted.

General MOORE. He stated he was not permitted.

Chairman MURKOWSKI. That implies that the senior officer would not allow it?

General MOORE. That was the implication of his statement to me.

Chairman MURKOWSKI. Do you know the facts as to whether or not he indeed was not given permission to come?

General MOORE. I do not know the facts. I would prefer to defer that question to General Leuer who is prepared to answer that.

Chairman MURKOWSKI. I would ask the question of General Leuer even though we are moving out of turn. I think it is appropriate. This will be my last question because I am running out of time, but I felt it appropriate to include at least this line of questioning.

General Leuer, can you respond to that?

General LEUER. Yes, Mr. Chairman. I did not permit Smith to return to Washington because the channel of his information or any information he had to turn in was 501st Military Intelligence Group, which was right here in Korea.

If he had any information, and he had been on the list with the 501st since about September of 1981, so he knew the contacts. The chain of command works. He was part of the operation. There was no reason for him to be sent around circumventing the chain of command to return to Washington directly. Thank you.

Chairman MURKOWSKI. I have several questions. I am not going to follow up at this time. I will give my colleagues an opportunity.

Sentor DECONCINI. Well, fine. I have a question.

I would like to follow up on this one, but if you would like to, Mr. Chairman——

Chairman MURKOWSKI. No, I intend to get back to General Moore.

Senator DECONCINI. I do too, but General Leuer, that is a very disturbing answer to this Senator because the mere fact that the 501st MI Group has a chain of command, do you always follow the chain of command? Do you ever make an exception? Is there any time that something is so vital that you would say, gee, maybe there is some exception to this?

General LEUER. In this particular case, sir, there was nothing provided to me that would cause me to consider it so exceptional. As a matter of fact Smith has made the statement in his testimony that he presented a Specat, a special category message to me addressed to General Moore.

I never did see that message, sir. So I am not fully aware of the content of what he had to report might have been. However, I have found out since then that the material he had did get reported to the 501st at the appropriate time, and it did get reported up the channel.

Senator DECONCINI. Did he tell you what the information was or any nature of it?

General LEUER. He said he had some information that pertained to MIA and POW. I did not go into detail with him.

Senator DECONCINI. You did not ask him what it was?

General LEUER. No, sir.

Senator DECONCINI. So just based on the fact that he said he had some information and there was a chain of command, your judgment was, go through the chain of command?

General LEUER. Go through the designated source for reporting.

Chairman MURKOWSKI. I wonder if you would yield.

Senator DECONCINI. I yield.

Chairman MURKOWSKI. Would the General identify the particular time frame in which—with Smith and McIntire—we maintain the continuity of the two generals—your particular oversight at that time.

General LEUER. I replaced General Moore in September, late August, September of 1983. In the timeframe that we are talking about at this point is late February, early March of 1984.

I had been to Washington in middle, late February and had discussed with General Moore just prior to his departure to the Special Ops Conference in Hawaii. I had discussed with him the linkage, the responsibilities, who was responsible for what.

Shortly after Smith came to me, I sent a message back to General Moore dated 5 March. It is submitted in the documentation I gave to the staff personnel yesterday. Again since Smith had come to me requesting to go to Washington, again stating that we had to find who is working for who and keep the line straight.

Later on again that year in May I again discussed this with General Moore, and we both agreed number one there was no POW/MIA mission. There was probably going to be no further special training missions outside of Korea because by this time the First Special Forces Group had been activated at Fort Lewis, and there was also a battalion being placed into Okinawa that would pick up the responsibilities for the extension of U.S. presence throughout Southeast Asia.

That for the most part SFDK would be able to turn their attention and their efforts inward toward the special warfare command which was their primary mission.

Senator DECONCINI. Well, this is a question, Mr. Chairman, both to Colonel Leuer and while he has got the microphone there—I mean General Leuer as well as General Moore.

Chairman MURKOWSKI. Yes, please proceed.

Senator DECONCINI. In the mission that the special forces have is it fair to say that they would obviously or very likely come across information through working with the Thai counterparts on MIA/POW questions?

General LEUER. Yes, sir, they definitely would, and there was a provision for brief back and also there was intell to the 501st MI. Normally what we look for in those kind of brief backs are status of training within that organization, types of weapons, any new things that may be coming on to make some kind of a judgment.

Senator DECONCINI. So these gentlemen such as Smith and McIntire certainly were not prohibited or told to stay out of this particular area that they endeavored to pursue?

General LEUER. It was not a primary mission for them, sir. If they came across information, it was expected of them as of any other soldier, to turn that information in and make sure it gets into the right channels.

Senator DECONCINI. Was it expected of them under your command, not to pursue it any further by dealing with Thai undercover agents or informants or anything like that?

General LEUER. Yes, sir.

Senator DECONCINI. Yes, sir, it was? Excuse me, can you clarify that?

General LEUER. Okay. Under mv command, or under my staff supervision, once I had determined that they had no mission, positive mission in the MIA/POW area, I gave them specific instructions that that was not part of the ball game. That anything they came across in a passive manner was expected to be turned into the 501st.

Senator DECONCINI. Well, you mean passive manner, General, that they could not go out on their own and follow a lead or develop any type of informants for themselves?

General LEUER. That is correct, sir.

Senator DECONCINI. General Moore, is that your understanding too when you were in command? Most of our questions are going to be with the two of you now.

General MOORE. Yes, sir, the general orders refer to a standing program that does specify that any unit, any individual in working with a foreign military force, if they determine that they have gained information that would be helpful to the United States Government should provide that information to the respective intelligence organization.

It would be under that program that Smith, McIntire and anyone else having activities with the Thais or any other foreign military would make reports, and in this case to the 501st Military Intelligence Group.

That is an ancillary mission for any military force.

Senator DECONCINI. Then it would be disobedience if they went further than that, and subject to court martial proceedings if they went out and followed up some leads with Thai informants or anyone else?

General MOORE. No, I would not say that. No, sir, it would not be disobedience.

Senator DECONCINI. What would it be is that they should not do it, but it was not an offense? Is that correct?

Let me just give you a hypothetical. What if one of them walked to your door, knocked and said, hey, I have got a guy here that I have known for some time in the Thai army, and there is an assassination plot against the president. Would you just say turn it over to 501 MI or whatever it is and let them handle it?

General MOORE. Absolutely not.

Senator DECONCINI. Do not go back in the field and find out anything about it.

General MOORE. No, sir, absolutely not. That is I think a little different scenario. If they had come to me and said that they had information on any kind of PW information, any kind of PW sightings at all, I would have assisted them.

Senator DeConcini. They never told you any of the specifics?

General Moore. No.

Senator DeConcini. Okay. Colonel Howard indicated to this committee that you selected him for the post in Korea. Is that correct?

General Moore. It is in a procedural sense. I do not know Colonel Howard. I have never met Colonel Howard. I had a requirement to fill a position of chief of the combat coordination team which worked with the ROK special warfare command.

The incumbent was leaving, and I was searching for someone to replace the incumbent. I went to the personnel system, and I went to the U.S. special operations command at Fort Bragg and asked them to provide me recommendations for a highly qualified special operations officer in the grade of lieutenant colonel for this job.

Senator DeConcini. That is how he came to your attention and that is how you chose him?

General Moore. That is correct, and I had departed Korea before Colonel Howard reported.

Senator DeConcini. Okay, thank you, General. We went into this, but I want to understand it myself. Major Smith indicated that he saw you in Hawaii at a CINPAC conference and informed you that he had significant information on the POW/MIA issue and that Washington should be briefed and that there was a strong possibility of freeing some POW's. Is that what he told you?

General Moore. He told me that he had information, not to that detail, Senator.

Senator DeConcini. No?

General Moore. He told me that he had information on POWs gleaned from his activities in Thailand, and would I assist him in getting that information to the proper authorities.

Senator DeConcini. He did not make any reference to the possibility of freeing them?

General Moore. No, he did not.

Senator DeConcini. Smith indicated that you asked him to return to Korea and send him a message, and that you would set up the appropriate meetings at DIA. Did he ask you to do that specifically?

General Moore. I told him that I would arrange for him to be debriefed by the appropriate agency in DIA if he would return to Washington. If he could not return to Washington to put the information that he had in a special category message, a Specat message and send it to me, and I would take that message, the substantive information in that message and pass it to the Defense Intelligence Agency.

Senator DeConcini. You never received a message?

General Moore. He did not send me a Specat message.

Senator DeConcini. Did he send you any message?

General Moore. He sent me a message saying that he would not be able to return to Washington.

Senator DeConcini. And nothing more?

General Moore. Nothing more. No, sir, no substantive transmission of information.

Senator DeConcini. Did Howard send the message or Smith?

General MOORE. Sir, I do not recall who sent the message. In fact I do not recall whether it was a Specat or a general service message. I got a message.

Senator DECONCINI. Your criterion for helping Major Smith was whether or not he could go to Washington, and if his superior would not let him go to Washington, then you felt like you should not intervene in that. Is that a fair statement?

General MOORE. No, that is not, sir. I told him to take that information and put it into a protective message and send it to me, and I would get the information and pass it to DIA.

Senator DECONCINI. That you would deliver it. That is what you never received then. That is what you never received?

General MOORE. I never received that message.

Senator DECONCINI. General Leuer, along this same line of questioning is it correct that you state that neither Colonel Howard or Major Smith ever brought this to your attention other than just asking to go to Washington to discuss the POW/MIA with DIA. Is that as detailed as it was?

General LEUER. That is correct to the best of my recollection, sir. They asked to go Washington, or Smith asked to go to Washington. I do not recall that Howard was part of that request.

Senator DECONCINI. And no details were given to you?

General LEUER. Other than that he said he had some information on POWs.

Senator DECONCINI. Did you ask him what it was?

General LEUER. No, sir, I did not go into detail with him.

Senator DECONCINI. Were you curious?

General LEUER. Yes, sir, I am curious on the whole issue of MIA/POW, but at that particular time there were some other issues involving SF. We can cover those at a closed session.

Senator DECONCINI. Okay, were you——

General LEUER. But I thought best for him to get into the intell channels that were set up to handle this, and therefore directed that he go to the 501st, which he did.

Senator DECONCINI. Which he did. Did you feel it was inappropriate to ask him and pursue what he had? Well, let me ask this question. Was he considered a credible officer under your command, and someone that you had some confidence in? Major Smith that is.

General LEUER. Sir, there was no reason at that point to doubt his ability as an officer. I respect all officers, commissioned officers. I respect all soldiers and love all soldiers.

There were some instances that were occurring about that time that caused me to have to dig deeper into who was doing what to whom as far as responsibilities.

Senator DECONCINI. And you felt it was not—based on the way the missions were then—worth pursuing, even asking Smith what he had?

General LEUER. Well, that is correct because we were not given that mission. I did not have a mission in that area.

Now, had he wanted to talk about the reorganization of special warfare command or how we were training for the additional missions as we change to air-land battle doctrine, he would have had my full attention.

Senator DeConcini. What would you do if he came up and said, gee, I got a contact that tells us about a plot to assassinate the president.

Would you say, sorry, we've got a different mission?

General Leuer. No, sir. I think as General Moore has said, that's a different scenario, and we would jump right on that.

Senator DeConcini. And I agree with you, the significance is certainly different. Where would the dividing line come? If it was about a potential bombing of our embassy in Bangkok, or the potential setting up of some military person for some fraud or some indiscretion or something. Where do you draw the line?

It seems to me from what we hear from DIA and the Administration that this is number one priority, notwithstanding the fact that it isn't written into a mission that was directly related to you.

General Leuer. Sir, the fact that I did not debrief him in details, since I am not in the intel—intelligence debriefing business, does not mean in any way that I lessened the significance and the importance I put on this issue. It does not.

It's just that there was nothing to be gained in my debriefing of him, because he was going to have to go over and do the same debrief at the 501st. The debriefings did not come through me.

Senator DeConcini. So—and he went to the 501st, right?

General Leuer. Yes, sir, he did.

And there is a recorded intel report from that particular situation that I saw yesterday.

Senator DeConcini. Did you ever ask the 501st what was involved in it?

General Leuer. No, sir, not on that particular one. But later on, on 10 April—actually it was about 13 or 14 April—Smith asked to have a meeting with me.

He presented a memorandum to me, dated 10 April. And that memorandum has been submitted with some other documents for the record, yesterday to the staffers.

I might add that, in his memo, he states with attachments which were supposed to list the names of POWs, they were not there.

That memo prompted me to request from 501st again a total debrief of Smith, McIntire, and anyone else involved. Because in that memo he had a number of allegations against the system—J-36, CINCPAC, JCRC, and others, and then the second part of it pertained to some of the things on POW's.

And it was my intent, that through a thorough debrief, if he had anything that was of critical importance it would get into the reporting channel and get on back.

That memo—and I received a debrief from the 501st on that at that time. And the debriefs were dated 18 April, 23 April, 25 April and I think 7 August. But I received all those debriefs.

They, sir, are also included in my documents that I submitted yesterday for the record.

Senator DeConcini. All of that has been submitted?

General Leuer. Yes, sir.

Senator DeConcini. Is that classified material?

General Leuer. Some of it is, yes, sir.

Senator DeConcini. I would like to have that turned over to us if we can, in due time.

Thank you.

[The material referred to is retained in the committee files.]

Senator DeConcini. General Leuer, Colonel Howard has indicated to this Committee that he briefed you personally three times on POW/MIA issues, and that he provided you with a report entitled "Possibilitv of POW's in Laos." Is that at all true in your recollection, and can you detail what the briefings were, if any, that you had with Colonel Howard?

General Leuer. Sir, I do not recall any specific briefings with Colonel Howard on the issue of POW's and MIA's, meaning a specific briefing, coming in and saying, sir, I want to brief you on MIA's and POW's.

I do recall one time when we talked about MIA's and POW's, and that occurred after his trip to inspect training in Thailand, which he was gone 21 through 27 or 28 January. And when he returned, I asked him to come in and tell me how the training went. And he came in and talked about the training, things such as yes, we had good training. I was entertained by a Thai officer. I jumped with the Thais, and was awarded Thai jump wings. I saw Jim Coin from Soldiers of Fortune there, and he was doing a write-up on POW's/MIA's, those kinds of things.

Then as the conversation was coming to a close, I mentioned to Howard that I had seen—and I think he was with another former officer, who was a Medal of Honor winner in Korea who was visiting Korea at that time, and Howard was either with him at a social or was his escort officer. I do not recall which. And I said I saw this particular officer on TV last night, and he made a very good presentation for MIA. And Howard said, I'm very interested in MIA and POW. And I said, well, I am too, very, very interested. And I said, you know, it is our Nation's intent that we will not slow our efforts until every one of the POW/MIA's can be accounted for. And that was about it.

But that was a comment on basically this particular visiting officer's presentation on TV.

Senator DeConcini. He never provided a report to you of any nature and not one that was entitled "Possibility of POW's in Laos."

General Leuer. No, sir. I do not recall any such report. I do not recall any type of written report or a specific briefing with Colonel Howard on this issue.

Senator DeConcini. In that casual conversation as you put it, you said you did talk to him about it, did you say anything to him along the nature that, "This is just too hot to handle"?

General Leuer. No, sir.

Senator DeConcini. Did you at all direct him or order him or indirectly suggest to him that he drop this subject matter?

General Leuer. No, sir. Sir, I can answer this. It is not classified, but it's sensitive, and I should probably cover that in closed session.

Senator DeConcini. I will be glad to do it. I have some questions in that same area that we will take up in closed session.

If you never received any report, did you receive anything of physical nature from Colonel Howard?

General Leuer. No, sir.

Senator DeConcini. Never.

General LEUER. Never.

Senator DECONCINI. So what Colonel Howard says to us that he handed you a report and in the report there were photos and other information that are of a classified nature that were taken by live sighters, you never saw it.

General LEUER. Sir, I never saw that.

Senator DECONCINI. He never gave it to you or sent it to you, or what have you.

General LEUER. No, sir. The first I heard of that particular information was yesterday when I was reading his testimony.

Senator DECONCINI. Do you have any idea why Lieutenant Colonel Howard would say that? You worked with him. The first time I met him was when he testified here, and I do not know the man as well as you do, and I do not want to get into the nature of personalities or what have you. But I wondered if you have any explanation as to how could he conclude that he handed you a report with that sort of thing? Have you thought about that?

General LEUER. Yes, sir, I have.

Senator DECONCINI. And what do you think? Can you help me?

General LEUER. Sir, I would defer to closed session.

Senator DECONCINI. Fine.

Yes, Mr. Bilirakis? I am sorry. I need a little more time there. I have some more questions.

Mr. BILIRAKIS. Oh, I just came in from what were two votes rather than a quorum vote, Senator, so thank you.

This may have been already asked and answered, General, and if it was, please let me know.

Under what circumstances was Colonel Howard transferred, if you remember, sir?

General LEUER. I do remember, sir. He had received medical treatment. I think it would be profitable to defer to closed session on that.

Mr. BILIRAKIS. We are going to talk about that later then.

General LEUER. Please.

Mr. BILIRAKIS. Yes. I appreciate that. I was just given some information that I was not aware of, so I appreciate your consideration, General.

Senator, I do not know. Considering the nature of some of this testimony and the sensitivity of it and trying to decide what should be talked about now and what should be delayed later on—I was just saying considering the sensitive nature of some of this stuff and trying to decide what we can talk about, maybe we could just finish up with the open questions. I do not think I have any more, and I would rather wait.

Senator DECONCINI. I have just a couple more open questions for General Leuer.

The information that you provided to the staff regarding the 501st, information that you asked for, and the memo from Major Smith that you come here has a classified secret stamp on top of it. Is all of that classified, to your knowledge?

General LEUER. The information within, but when we talk about the memos per se, they are not.

Senator DECONCINI. They are not classified. So they could be extracted from that information as far as you are concerned, as far as you believe, without jeopardizing any of it.

The reason I asked is that some of my staff have clearance for top secret documents and some do not, and I would like to get a look at them as soon as I can. I do not want to pull anything out of there, if those memos are classified, which is what I thought might be the case.

General LEUER. Could I have my assistant work with them and help them on that?

Senator DECONCINI. That would be fine.

Colonel Howard indicated to us, General Leuer, that there existed U.S. acquired intelligence to support sightings of POW's in Southeast Asia, and that such information was available to you. Do you believe that there was such information? And was any of it ever available to you?

General LEUER. Sir, any information that I was aware of I insured went to the 501st MI. And on that specific point, the only thing I was familiar with was what was in Major Smith's 10 April 1984 memo.

Senator DECONCINI. When you talked to Major Smith, he was appealing a request to go to Washington. Did he ask special permission to see you, or did it go up through the chain of command? Had his superior officer turned him down and was he appealing that, or what?

General LEUER. Sir, I don't recall if I told him specifically, one on one, not to go, or if it was a matter of my deputy or my XO coming in and saying, Smith wants to go to Washington. And I probably said, what for. He said, he wants to go see General Moore and talk about POW's. And I said he does not have to go to Washington. It goes right over here to the 501st.

Senator DECONCINI. And did you ever talk to Major Smith yourself?

General LEUER. There were times when I talked to him, not on that particular issue that I recall. I may have talked to him, sir, and I just do not recall if I talked to him directly, I'm going to Washington, or if it came by——

Senator DECONCINI. Did you ever talk to him about the POW/MIA issue? Do you recall?

General LEUER. Yes, sir, I do.

Senator DECONCINI. Did you tell him that he should shred the classified documents that he had on POW's?

General LEUER. I never said that, sir. That is the 10 April '84 memo of which I have given a copy to your staff, lists the attachments which were not there when I received the memo.

Senator DECONCINI. Did you ever indicate to him that he should abandon this mission of his, other than by turning it over to 501st?

General LEUER. Sir, along this period of time I had had meetings with General Moore, and I had also had meetings with Colonel Murphy from J36 PACOM, Pacific Command. And because of the activation of the First Group and a unit that was going to be in Okinawa, it was determined that anything that we had to do outside of Korea or had been doing outside of Korea would now be done by the First Group in this battalion in Oki, and that there may be occasion but it would be very rare that we would be asked to conduct a mission.

I felt that very profitable because I had a big job for the team in country to as we were changing fighting doctrine. And so I, about this time, recall talking to Smith and Howard was not present, and told him about the change in missions, and that we no longer should be worrying about what happens outside of Korea, that what belongs to CINC-Korea, that's where we work, and that is what we would focus on. And then I went into some of the details of the work I wanted them to do in the reorganization of the special warfare command.

Senator DECONCINI. General Leuer, in some of these questions I want to be sure the record is clear that there is no allegation from this Senator that this occurred, but they have been reported to us, some in closed session and some in open session.

General LEUER. I understand, sir.

Senator DECONCINI. And I feel that as uncomfortable as it may sound, that I must ask them. One of them is Colonel Howard and Major Smith indicated that you ordered them not to brief General Moore or have further contact with General Moore regarding the POW's. Is there any validity to that?

General LEUER. I think that is all within the context of the mission that we had and the mission we did not have, and also that we had a source for debriefing the information. Howard was never told that because Howard was not present at the time when I talked to Smith about the reorganization of the mission.

Senator DECONCINI. Was Smith told not to brief General Moore and not to contact him further regarding this issue?

General LEUER. I had quite a lengthy discussion with Major Smith about who works for who because at that very time I was trying to work out with DA, General Moore, and J36 PACOM who was working for who, and I had to make sure my own house was straight, and that Smith's chain of command was through the special ops director, a colonel, a deputy to me.

Senator DECONCINI. Can I take it from that that you did tell him then, and you ordered him not to brief General Moore and to have any further contact with him?

General LEUER. That could be his conclusion, sir.

Senator DECONCINI. Is it your conclusion? Was that what you meant to tell him?

General LEUER. I meant for him to understand that he was not to be going around the chain of command directly to DA.

Senator DECONCINI. Which would be, in essence, an order to not communicate with General Moore.

General LEUER. It could be, yes, sir.

Senator DECONCINI. One last question here. Did you order Sergeant Major Dennis, or anyone else, to destroy any classified information on POW's?

General LEUER. Never, sir.

Senator DECONCINI. Thank you. I have no further questions. Oh, wait a minute. Can you tell me why Major Smith was mandatorily retired? If that's of a sensitive nature, we can take that up.

General LEUER. No, sir, we can. In fact, we have a person here from Military Personnel Center who has the record on that, Colonel Cummings.

Senator DECONCINI. Is there any reason individually or that we should not take that up here even if it isn't classified? I'm not interested in embarrassing anybody, but I would like to know.

Colonel, would you like to take it up please?

Colonel CUMMINGS. Major Smith was not mandatorily retired.

Senator DECONCINI. Thank you. Well, what happened? He said he was.

Colonel CUMMINGS. He's a two-time nonselect for promotion, and he decided to retire. But he was not mandatorily retired.

Senator DECONCINI. If you are a two-time nonselect, what options do you have, Colonel?

Colonel CUMMINGS. He could have stayed on until his term of service ended, and I could look at the record and give you that. But he was considered for promotion in 1983 and 1984. Each time he was not selected. He returned from Korea some time in August of 1984 and retired in May of 1985.

Senator DECONCINI. Do your records, Colonel, show why he was not selected the last time in particular?

Colonel CUMMINGS. There was no real way of determining why he was not promoted. The considerations are made by a closed promotion board. There is some evidence in his case that he did not have certain qualifications, one of which was that he was not a college graduate, and in 1983 the selectees of that group—99 percent were college graduates. He had not attended or had not taken what the Army called command and general staff training. In 1983, 93 percent of the selectees had that training. In 1984, 99 percent had that training.

Senator DECONCINI. Do you know if General Leuer had submitted any information regarding his last promotion?

Colonel CUMMINGS. No, sir, I do not.

Senator DECONCINI. General, can you answer that?

General LEUER. Yes, sir, I can answer that. When the board met for that particular—for his second pass-over, of which he was second nonselect, I had not yet completed an officer efficient report on him.

Senator DECONCINI. So, you had no contact, official or unofficial, with anybody on that selection board.

General LEUER. That is affirmative. I had absolutely no contact with anyone on that promotion board.

Senator DECONCINI. General Moore, did you have any contact or anything to do with that nonselection or that board?

General MOORE. No, sir, I did not.

Senator DECONCINI. Mr. Chairman, I have no more open questions, so to speak, of these witnesses, and I thank you for your indulgence, and the witnesses also.

Chairman MURKOWSKI. Thank you, Senator DeConcini.

I have a question for General Leuer. General Moore said certain forces trained in counter-terrorism, would one capability be to perform a POW/MIA mission? Who would those forces report to?

General LEUER. I think it was General Moore who made that comment, sir.

Chairman Murkowski. Yes.

General Leuer. But I believe knowing—we have to go off the record on that. That one should be deferred for a closed session.

Chairman Murkowski. Lieutenant Colonel Howard and others have stated that the Thai special force run reconnaissance missions across the border into Laos went in a frequent manner. Is that correct? There were frequent missions with regard to running reconnaissance across the Lao border?

General Leuer. Sir, I have no knowledge of that. I was in no position to know that.

Chairman Murkowski. General Moore, do you have any knowledge of that?

General Moore. No, sir, I do not. And like General Leuer, I have no—in my former job no basis for having access to that kind of information.

Chairman Murkowski. Have you got any explanation as to why Lieutenant Colonel Howard would indicate that that was a fact that there were missions around and into Laos on a rather frequent basis? It seems these gentlemen were under your command collectively or individually at one time or another.

General Leuer. No, sir, I have no reason. The first time I saw that was yesterday when I read his testimony.

Chairman Murkowski. Could you deny that the statement made by him was factual?

General Leuer. Sir, I could not corroborate it. As I mentioned, I was in no position to know or have any information on it.

Chairman Murkowski. Who would?

General Leuer. Well, the command I was a J for was Korea only. So, that would be PACOM or someone. Certainly out of my arena.

Chairman Murkowski. Could you provide us with any insight, General Moore, as to where we might go to collaborate on the allegation that there were missions across the border into Laos on a frequent basis to make a determination on the accuracy of Lieutenant Howard's testimony before this Committee?

General Moore. Sir, I cannot collaborate that either, but I would recommend that when we go into closed session that perhaps General Perroots could discuss that because if there are clandestine operations, it would be appropriate to discuss it in that forum at that time.

Chairman Murkowski. At that time of either of your commands, did we have any military personnel assigned to the Thai military on a regular or irregular basis that might have had some involvement in the activities we are talking about here, either missions into Laos or other areas where reality might be a known to us, what they were doing or what their mission was that may not be known to you that they had a particular mission, yet you would have knowledge as to whether personnel were assigned to Thai military?

General Moore. Sir, I can say that in my position in Korea I had no knowledge and really was not in the position to have access to that kind of information. And I would further say that in my current position, which is even broader in scope than—certainly broader in scope than in Korea, I have no knowledge of any kind of U.S. military involvement in cross-border operations.

Chairman MURKOWSKI. I'm talking about specific U.S. military personnel that might have been assigned temporarily to Thai military. Do you have any knowledge of that?

General MOORE. No, sir.

Chairman MURKOWSKI. You do not. So, we can assume that to your best recollection it probablv was not the case.

General MOORE. That is correct, sir.

Chairman MURKOWSKI. Lieutenant Colonel Howard and others have stated that the Thai—excuse me. Lieutenant Colonel Howard stated that he received information that American prisoners of war would be released by May of 1984. I assume you have had a chance to review that in the record. He further stated that it was his responsibility to coordinate some of the—I think he used the word logistics, in order that the release could occur. However, he was transferred from his position, as you have already indicated, before he was able to make that operation happen.

Were you aware of the possibilities that Americans were to be released in May of 1984? Did you have any knowledge about this 1984 May issue of Americans that might be released or anything pending on it?

General LEUER. No, sir.

Chairman MURKOWSKI. You had no knowledge.

General Moore?

General MOORE. No, sir. Of course, at that time I was not in Korea, and I had no contact with Colonel Howard.

Chairman MURKOWSKI. You have no explanation as to why Colonel Howard made the statement?

General MOORE. Not at all, sir. No, sir.

Chairman MURKOWSKI. So, you had no reason to believe that Colonel Howard had any role or had any linkage to the operation.

General LEUER. Sir, the first I saw of that mission or operation that Howard proposed was yesterday in reading his testimony.

Chairman MURKOWSKI. I would share some of my colleagues' observations on this. His testimony was certainly very moving and very forward, and it is just hard to—I have always been of the opinion that we should have both sides at the table, and say, all right, now you said this. You said this. What is it? But we do not seem to be able to do that here. I do not know why. Maybe we should and maybe we will yet. You know we are not trying to embarrass anybody. We are just trying to have this hearing process act as a forum so the public can address the issue.

Senator DECONCINI. Mr. Chairman, I could not think of a better approach given the dilemma that I find myself in of hearing some very credible testimony at the other hearings we have held, and now hearing just as credible testimony from some outstanding leaders of our military. It is just so diverse that I think it might be worthwhile doing that. I think that is a very good idea.

Chairman MURKOWSKI. Well, I would like to pursue it with members of the Committee, and I concur, Senator DeConcini. We have probably certain internal procedures, but it would be my offhand thinking that since we have gone this far in the process and the realization that we are not going to finish today, and I have already made the decision that we will not be going into a classified section today simply because we are out of time, and we will reconvene. I intend to finish the public process here. I intend to reconvene at a later date to accommodate as many as possible. I can honestly say it will not be this week and unlikely will it be next week. And I think within the Committee, at a business session, we will discuss the appropriateness of the idea of trying to get to the bottom of some of the direct testimony that is in conflict.

Obviously we would expect the administration to be there, and would offer it as an open forum to those who have voluntarily testified previously, and it would be my intention, subject to my colleagues' agreement, to include another invitation to——

Senator DECONCINI. Mr. Chairman, are you talking about a closed session with all——

Chairman MURKOWSKI. Well, I would like to keep it as open as possible, and then if we have to, you know. At this stage we have gone in open, and if we have to go closed, we have to——

Senator DECONCINI. And that's fine. If the Chairman would yield.

Chairman MURKOWSKI. Certainly.

Senator DECONCINI. I have a problem with that procedure. I have some closed questions to ask both these generals, and I could do it with the other people involved here in a closed session too, or we could do the roundtable forum. We could proceed either way, but I do have some questions that have to be taken up. But the idea of having Smith and Howard, and these gentlemen together with us asking questions is excellent.

I think it would have to be in a closed session, if we really want to try to understand this, and I realize we are——

Chairman MURKOWSKI. Well, what I would like to do rather than take the time of those that have been with us, I would like to reflect on your recommendations, and that of the balance of the committee I certainly have no hesitation.

I would like to see pending agreement of the witnesses if we could possibly keep as much of this open and on an unclassified basis as possible, but obviously that depends on the attitudes of those witnesses.

So rather than belabor it, I would as I say we will have an opportunity next week at a short business meeting to address our own internal procedure, and of course we would appreciate the input of our two colleagues that have been with us, Representative Bilirakis as well and Representative McEwen. So with that, General, I would——

Senator DECONCINI. Mr. Chairman, may I ask just for the record?

Chairman MURKOWSKI. Go ahead.

Senator DECONCINI. Is the Chairman thinking that we would move toward either the closed or the mixed hopefully final hearing in the next couple of weeks?

Chairman MURKOWSKI. Oh, yes, very definitely. Sure. I think it is something——

Senator DECONCINI. I think I am drowning as I am wading in on the subject matter, and I would like to——

Chairman MURKOWSKI. Yes, it does seem sometimes as we get to the close of each hearing that we are not to the close of the process, but we are beginning the process again.

I have a few more questions. Did anyone ever provide you with photographs of Americans who were supposed to have been held captive in Southeast Asia, or maps, locations or prison sites of where Americans were supposedly being held?

General **Leuer**. No, sir.

Chairman **Murkowski**. General Moore, have you?

General **Moore**. No, sir.

Chairman **Murkowski**. Did Lieutenant Colonel Howard, Major Smith, or Sergeant McIntire provide you with photographs of American prisoners of war in Southeast Asia?

General **Leuer**. No, sir.

Chairman **Murkowski**. Okay.

Did you charge Lieutenant Colonel Howard or anyone else with making illegal cross border forays? I assume that has been answered, and the answer is negative.

That has not been answered? Excuse me.

I will ask the full question. Did you charge Lieutenant Colonel Howard or anyone else with making illegal cross border forays into Laos?

General **Leuer**. Sir, it was brought to my attention by the commander-in-chief, and the commander of the 501st MI Group, that an acquaintance of Howard had alleged that he had reported while he was TDY to the Medal of Honor ceremony on—29 December 1983, that he went to other places—Thailand, Laos, other countries, and conducted some operations aiong with Mark Smith.

I did conduct an investigation, had one conducted, and it was found that these stories were unsubstantiated.

Chairman **Murkowski**. Now, what does that mean, that he did go into Laos?

General **Leuer**. No, sir, he did not. He did not.

He was in the States. He did go to the States. He did go to the Medal of Honor ceremony. He did visit Fort Bragg, but in a discussion with an acquaintance under rather unfavorable circumstances, he did tell this person that he had done these other things.

She in turn reported it to 501st MI, and in turn it was brought to my attention, and I had the responsibility to investigate it. It was unsubstantiated that he had gone to these other countries.

Chairman **Murkowski**. So he was never charged then?

General **Leuer**. No, sir, it was only an allegation. He was never charged. It was only an allegation not a charge.

Chairman **Murkowski**. Why the difference? Why was he not charged?

General **Leuer**. We may be in the matter of semantics, Mr. Chairman.

Chairman **Murkowski**. That is true.

General **Leuer**. Okay.

Chairman **Murkowski**. But I assume because no evidence.

General **Leuer**. There was no evidence.

Chairman **Murkowski**. Strictly allegations?

General **Leuer**. It was strictly allegation, unsubstantiated. It could not be founded.

Mr. **Bilirakis**. But he was not—I think this is——

Chairman **Murkowski**. What happened?

Mr. **Bilirakis**. He was not directed. In other words he was never awarded or directed to do this. Is that what you are saying?

General **Leuer**. No, never.

Mr. **Bilirakis**. I think charged. I think you meant it in that sense.

Chairman **Murkowski**. That is correct.

Mr. **Bilirakis**. Did you not, Senator?

General **Leuer**. Oh, I am sorry. I was referring to the charge under a courts-martial.

Mr. **Bilirakis**. He was not by you. Was he by any level of command? Would you know if he had been?

General **Leuer**. To go into other countries? Sir, I would expect that I would know since they were under my operational control and also that we do have a four-star commander in that country.

Now, if he is given an order by someone else, I had no knowledge of it.

Mr. **Bilirakis**. Might he had been given an order, sir—do you mind, Chairman, if I might?

Chairman **Murkowski**. Yes.

Mr. **Bilirakis**. Might he have been given an order to work on this issue, maybe not charged but an order to cross the border if you will but to work on this MIA issue, to gather information to refugees to the various sources and what not?

General **Leuer**. He may have, but in my search from the DA, Special Ops, General Moore, and J36 PACCOM, which had overall responsibility in that area, I could find no one, no one who could tell me that we had a mission of any dimension, any type other than the passive reporting in the MIA/POW business.

So if someone did give him a mission, I do not know who it is, and I do not know where it could have been from, or who they circumvented in giving him that mission.

Chairman **Murkowski**. Would you yield?

Mr. **Bilirakis**. Yes, sir.

Chairman **Murkowski**. Why do you not have a mission like that if it is such high priority to gather evidence, information and so forth?

General **Leuer**. Why did they not have that mission in Korea?

Chairman **Murkowski**. Somebody have it to gather information?

General **Leuer**. Yes, sir. Why did we not have the mission?

Chairman **Murkowski**. I guess that would be the question. You said it was important, okay.

General **Leuer**. Yes, sir. We were never given that mission. From the standpoint of who has it, I think we have talked about that earlier.

Mr. **Trowbridge**. Sir, could I interject something?

Chairman **Murkowski**. Surely, because I think we are kind of left hanging, and I think everybody may be understanding it a little differently.

Mr. **Trowbridge**. There are certain individuals that are tasked, and it is their direct responsibility within the system.

Chairman **Murkowski**. Yes.

Mr. **Trowbridge**. To ask why this unit in Korea does not have the POW/MIA collection task because it is the number one priority would be like asking why does not every unit have a collection directive or a mission on this particular issue.

There are people whose primary mission is to collect POW/MIA information and they are the experts in that area, and that is what they are doing. If anyone comes upon POW/MIA information as Smith did, and as the General said, he should direct it to the intelligence community. That is where the reporting starts, and that is where the experts who are charged with this responsibility can follow up and follow up properly. This is necessary in order not to endanger any other ongoing activities.

Mr. **Bilirakis**. Are we saying that the Department of the Army at no time, at any level had anything at all to do with directing any of its personnel to work on this matter in terms of gathering information?

We are saying that Colonel Howard was never directed by anybody. We are saying that Major Smith, Sergeant McIntire and going on and on and on, it just never took place?

General **Leuer**. Not to the best of my knowledge.

Mr. **Bilirakis**. Not to the best of your knowledge, but in terms of the overall Army, let's get away from your command in Korea. Let's go to the other commands. Is this something that has not taken place?

Mr. **Trowbridge**. Sir, I cannot answer for the Army, but I think in this particular case it sounds to me like it would be inappropriate for the Army to have the particular outfit that Major Smith was in, involved in POW/MIA collection, but I cannot answer for the Army.

Mr. **Bilirakis**. Well, who are the people that you are referring to, Mr. Trowbridge, when you say that there are people who are experts and do this? Are they DIA people?

Mr. **Trowbridge**. There are all sorts of people. There is the JCRC. There is the DIA. There are the Embassy people. There are the DA people. There are the DAO people. All those people are in various countries. They are all collecting information on the POW/MIA issue.

Mr. **Bilirakis**. The Department of the Army, the Department of the Air Force, Marines, Navy who are also very much concerned with this and officially involving their people, they have not taken any initiative at all to complement or supplement these other agencies?

Mr. **Trowbridge**. No, sir. There are intelligence organizations in the military departments that you have just mentioned. They do have a collection capability. They do collect on this issue, and they are asked to collect on this issue.

Mr. **Bilirakis**. When I was in the Service we had the morning report system. We had complete accountability of everybody in every department if you will. Do we still have that now? Do we have something like that now whether they call it morning reports or what the case may be?

General **Leuer**. Yes, sir.

Mr. **Bilirakis**. All right, there would be a record then as to where Colonel Howard may have been during a certain period of time and where Major Smith may have been at a certain period of time? Where he was assigned whether it be TDY or whatever the case may be?

General LEUER. Yes, sir, there is. The present for duty are literally identifiable. The TDY is on there also as far as orders. Who is TDY.

Now, it is possible for someone to go TDY one place, and go some place else, and not go to the place intended. That is possible.

Mr. BILIRAKIS. Yes, but the records at the TDY location would fail to pick him up as being located there, is that right?

General LEUER. That is correct, yes, sir. The only way you could verify his presence at the location he or she intended to go would be physicallly to have someone identify him at that point during that particular period of time.

Mr. BILIRAKIS. The person who is assigned one place and does not show up, he is AWOL?

General LEUER. That is upon return.

Mr. BILIRAKIS. Pardon me?

General LEUER. That is upon return.

Mr. BILIRAKIS. If I were assigned from point A to point B, TDY or whatever, and did not show up at point B, there would have to be some sort of acountability the fact that I was not there which probably would be an AWOL situation or some sort of accountability. Is that not correct? I am not trying to be argumentative.

General LEUER. No, I understand.

Mr. BILIRAKIS. It seems to me that there is a record of where these people were or should have been over a particular period of time.

General LEUER. Yes, sir.

Colonel CUMMINGS. I would like to comment if I may, sir.

Chairman MURKOWSKI. I think it would be appropriate if you would come up and try and speak between the Generals or whatever would make you more comfortable. [Laughter.]

Colonel CUMMINGS. Yes, sir, in regards to the morning report, we do not have that. We do have a new system in the Army called the SIDPERS, which is a standard installation personnel system, but in regard to your specific question regarding accountability, you can go TDY and then divert yourself some place else.

AWOL would occur if you did not appear at that particular time at that particular place, enroute since you have so many days to get there, you could stop off and do other things. So that is not a confirmed way of really seeing where an individual could be. He stopped off and diverted to another location.

Mr. BILIRAKIS. But the records still would show us if during a particular period of time Colonel Howard were assigned to a location, a physical location other than his post in Korea, and where that location might be and the number of days that he had to get there and whatever.

Colonel CUMMINGS. Yes.

Mr. BILIRAKIS. Is that not correct?

Colonel CUMMINGS. Yes, that is correct.

Mr. BILIRAKIS. And the same thing is true of Major Smith and any of these other people.

Chairman MURKOWSKI. And that material—excuse me, if you would yield.

Mr. BILIRAKIS. Yes, sir.

Chairman MURKOWSKI. That material is available?

Colonel CUMMINGS. Yes, sir, SIDPERS records are——

Chairman MURKOWSKI. And you have examined it?

Colonel CUMMINGS. No, sir, I have not.

Chairman MURKOWSKI. Is there a reason you have not?

Colonel CUMMINGS. I have not had a basic reason to do it, no, sir.

Chairman MURKOWSKI. I would ask General Moore or General Leuer, do you not feel that it would be valuable information to have to substantiate their position, Colonel Howard, Smith, McIntire?

Mr. BILIRAKIS. It can be done. Is that not the best way to dispute their claims as to their having been located in certain locations to show that they actually were at such and such a place? Right now basically you are telling us and there is no reason to dispute what you tell us, but you are telling us that anything that they say is not true, but the best way to really dispute that certainly in a court of law would be documentary evidence.

Colonel CUMMINGS. If in fact the individual was in that proximity, it would be difficult to do. If in the case of Colonel Howard as General Leuer mentioned, whether he was in fact at some Medal of Honor ceremony in the United States and not in Thailand, that would be much easier to confirm because of the distances involved.

Chairman MURKOWSKI. Representative Bilirakis, if you have no objection, it would be my intention to ask that the Army Office of Personnel provide that information to the committee at its next hearing during an open session.

Mr. BILIRAKIS. Right.

Chairman MURKOWSKI. What we want to include I think is obvious, but obviously the timeframes appropriate with the witnesses we have discussed today with regard to information relative to where they were at times, in testimony they gave they were not necessarily some place else, but to see if the information collaborated.

General LEUER. Mr. Chairman, is there a misunderstanding as to their authorization to be in Thailand during the particular time that they were?

Chairman MURKOWSKI. There well could be, and it would be appropriate that that be explained as well.

General LEUER. Right. Because in my testimony——

Chairman MURKOWSKI. The documents would of course substantiate that assuming you have it. Go ahead, General.

General LEUER. In my testimony, Mr. Chairman, I never intended to infer that they were not where they were supposed to be. I have no evidence on that. What I talked about on the investigation was another matter.

Chairman MURKOWSKI. All right.

Mr. BILIRAKIS. We are on the same wavelength here as to what it is the committee is expecting from you at the next session. Is that right? Also we have no problem with the period of time, the period or periods of time involved, the dates? Possibly the committee staff might work with the General's staff to make sure we have no problem determining those dates.

Chairman MURKOWSKI. We have staff counsel that would be happy to relate to what we want. We will check with our membership that participated in the discussion so that when we come back we will attempt to go into this in detail so that everybody can understand the time frames. All we are interested in obviously are the facts. Do you have any further questions?

Mr. BILIRAKIS. Nothing further.

Chairman MURKOWSKI. What I intend to do as I have indicated earlier is to conclude today's hearing. Before I do I think it appropriate to ask you gentlemen if you have any reason to object to the committee departing in procedure and having a little different witness program in the sense of bringing some of those who made various statements that are in conflict or at least not harmonious with your own so that we can attempt to define for the public record as much as possible.

Then if necessary and I am sure it will be necessary at a certain point to go into a classified session.

Mr. BILIRAKIS. Just one thing, Mr. Chairman. You know I feel badly even asking this question because I have an awful lot of faith and confidence in our military. Is Colonel Howard in any sort of jeopardy with the Army as a result of his testimony here much of which we shared with you, some of which we have not because this is an open session? You know in terms of promotion or any of the other things that you would look forward to.

General MOORE. I would think not, sir. There is no reason for anything that he has, unless he has perjured himself in prior affidavits and prior testimony. That is another matter, but his presentation to your committee (and his activities), there is no reason for the Army to see that as being prejudicial to his career.

Mr. BILIRAKIS. Okay, General, thank you. I will take you at your word in that regard. Thank you.

Chairman MURKOWSKI. Well, it would be my intention since this hearing is not intended to subpoena witnesses, but simply to extend the offer in the vein that we have extended it so far. This is an offer by the Senate Veteran's Affairs Committee to have an open forum inviting those witnesses that have evidence or allegations on issues of live sightings to be heard.

I think it appropriate, again subject to final resolve with my colleagues to invite back specific witnesses to shed light on the areas where we have some differences. Obviously it is a voluntary situation, but I did want to indicate to you gentlemen since you are here today of the anticipated change in procedure. Again, I would ask you if you would have any objection to it?

General MOORE. I have no objection.

General LEUER. Sir, I would only say that I would defer to the Department of the Army and not commit myself at this point.

Mr. TROWBRIDGE. Is DIA being considered as part of this?

Chairman MURKOWSKI. Yes. I want to clarify for the record that we are not going to call all the witnesses that we have heard, just those that we feel——

Mr. BILIRAKIS. DIA may be a part of it, is that right, sir?

Chairman MURKOWSKI. Oh, yes.

Mr. BILIRAKIS. I think that is the question Mr. Trowbridge is asking.

Chairman MURKOWSKI. They may be a part of it very definitely.

Mr. TROWBRIDGE. I do not want to speak for the agency, but we can get back to you on that.

Chairman MURKOWSKI. And let me put it this way. I feel obliged to do as much of this on the public record as possible. It is not my intent to embarrass or make any witness feel uncomfortable.

As a consequence it would be my intention if any of the contemplated witnesses simply would prefer to proceed in classified session because of the type of information they have, it would be my intent to accommodate them. From the standpoint of the tremendous interest in this subject and the ongoing time frame that our nation has been grappling with this, I think it most appropriate to try and accommodate for the public record as much as we can.

So again I want to make myself very clearly understood on this issue. As we ask some of those witnesses to come back, we will attempt to try and schedule this next hearing to accommodate as many as possible within their own time commitments and priorities.

Before I conclude the hearing, does anyone have any questions of clarification?

[No response.]

Chairman MURKOWSKI. That is good. Then I do not have to explain it any more. I want to thank you those of you who have been with us since 8:30 this morning. It is now 2:15. We have not had anything more than a 4-minute break.

Mr. Trowbridge, General Moore, Major General Leuer, and would you identify yourself? I am sorry I do not, for the record.

Colonel CUMMINGS. My name is Colonel Ezra Cummings. I am the chief of staff of the Army's military personnel center.

Chairman MURKOWSKI. Would you speak into the microphone?

Colonel CUMMINGS. Sir, my name is Colonel Ezra Cummings. I am the chief of staff of the Army's military personnel center in the Hoffman Building in Alexandria.

Chairman MURKOWSKI. Thank you. It would be my intention to be able to announce by mid next week a firm date for our next and hopefully our last hearing.

Thank you very much, gentlemen and ladies. We wish you a good day.

[Whereupon, at 2:19 p.m., the committee was adjourned.]

APPENDIX

STATEMENT OF SENATOR ALAN K. SIMPSON FOR SENATE VETERANS' AFFAIRS COMMITTEE, LIVE SIGHTING HEARINGS:

Mr. Chairman, I do want to express my appreciation to you for holding these hearings on this most important and sensitive issue. I also want to say how much I appreciate the effort made by you and Senator DeConcini, Representative Bilirakis, and Representative McEwen in travelling to Southeast Asia to talk with the officials of the governments of Vietnam and Laos in order to attempt to get from them some answers to some hard questions.

The question of even the remote possibility of American citizens being held captive, against their will, in a foreign land is surely one that is repugnant and deserves our most serious attention. And, it is one that has received a great deal of attention in the past few years. Representative Sonny Montgomery has made many previous trips to Southeast Asia, and I so very much admire him for his dedication to the issue. It is my fervent hope and plea that anyone who has competent, reliable, verifiable, and recent evidence of the existence and location of any American prisoners of war or captives will bring that evidence before this Committee. Now is not the time for high emotion or unfounded assertions. Now is the time for us to hear and to see the "hard evidence."

There does not seem to be great doubt that there are Americans living in Southeast Asia. The questions seem to be where they are and under what conditions they are living. No doubt some are there of their own will. It is also possible that some are held against their will. To anyone who has information about Americans who fall into the latter group, I say, bring that information before this Committee. Cite to us "book, page, and hymn number" in order that we can then bring home every American who is still captive.

No one, least of all I, wants to desert the men who fought for their country, putting their lives on the line every day. Those people deserve our full attention and our most earnest efforts to get them home. But let us not forget that a war took them from their own homeland, and the terrible, tragic nature of war is such that we may never be able to discover what happened to some of the missing. That is not to say we should cease our efforts while there is any possible reliable evidence that living prisoners are held.

There seem to be some honest differences of opinion about how best to continue our efforts to return any captive Americans. Some are asking for new "commissions" to look into the situation, and some are urging that we allow the United States Government to continue its diplomatic efforts to bring about the return of living Americans and the remains of those who died. And it seems to me the latter course might presently be the most efficient and effective, since I believe we should do nothing to convey to the governments of Vietnam and Laos that this country is divided--or that somehow it is not fully committed to supporting our government's efforts. That might only give those countries further excuses to delay and to deny. Those of us who favor continued support of U.S. diplomatic efforts on this issue should not be characterized as having abandoned any living American prisoners. Nothing could be less accurate.

Efforts to bring about the return and identification of remains of those who died must also continue, and I understand the signs are hopeful and that progress is being made. It is so important to those whose friends or relatives have died to be able to truly put their loved ones to final rest. The extensions of long delay and the continuing anguish for the relatives is what appalls me.

Though I have been accused of being unresponsive or uncaring, that is just not so. I say, "Let us hear who has been sighted, where he has been seen, when he was last seen, by whom he was last seen, in what conditions he was living, and any other information that might conceivably help us to locate him." But, because I then also say, "Let us recognize the harsh realities of war and its aftermath," my detractors say I am "cold and hard." That is not the way I am. The process of grieving for a lost loved one cannot be finished until all its stages have been lived out, and I just feel it is inhumane and sad and uncaring to continue to hold out false hope when we may never ever possibly know what happened.

So, let's hear some credible, factual evidence that will allow this government to locate living prisoners in Southeast Asia and then do all in our power to bring them home. But just hearing a continuing emotional barrage of comment -- without basis in true fact -- is not the way to resolve this hideously painful issue.

Mr. Chairman, thank you for this opportunity, and I fully support your work and that of this Committee.

STATEMENT OF SENATOR STROM THURMOND, BEFORE THE SENATE VETERANS' AFFAIRS COMMITTEE RE: HEARING ON LIVE SIGHTINGS IN SOUTHEAST ASIA, TUESDAY, JANUARY 28, 1986, 9:00 AM, SD-138

MR. CHAIRMAN:

I WANT TO FIRST WELCOME YOU -- AND THE MEMBERS OF YOUR DELEGATION -- BACK HOME AFTER YOUR HISTORIC AND, WE HOPE, FRUITFUL, TRIP TO SOUTHEAST ASIA. I COMMEND YOU FOR HOLDING THESE HEARINGS, BECAUSE I, TOO, HAVE DESIRED THE FULLEST POSSIBLE ACCOUNTING OF OUR MISSING-IN-ACTION SERVICEMEN SINCE THE DAY HOSTILITIES ENDED. WE HAVE COME A LONG WAY TOWARD THAT ACCOUNTING, AND THOUGH THERE ARE MORE THAN 2,400 MEN STILL MISSING, I BELIEVE WE ARE MOVING TOWARD FULL ACCOUNTABILITY AS A NATIONAL PRIORITY. AS YOU HAVE SAID, THAT IS HOW IT MUST BE VIEWED.

IT IS IMPORTANT THAT THIS BODY BE CONTINUALLY AWARE OF THE ONGOING EFFORTS ON THE PART OF OUR GOVERNMENT AGENCIES TO RENDER THAT ACCOUNTING. IT IS NO LESS IMPORTANT THAT THOSE CITIZENS WHO BELIEVE MORE SHOULD BE DONE, OR WHO PERSONALLY HAVE KNOWLEDGE OF SO CALLED "LIVE SIGHTINGS", SHOULD HAVE THEIR DAY IN THE LIGHT OF CONGRESSIONAL HEARINGS.

The possibility, no matter how remote, that any American serviceman is being held against his will in Southeast Asia, is, as you said, troubling, indeed. It is our duty to seek out the truth on this issue. It is incumbent on this body to make sure that those responsible for moving us toward a responsible and compassionate conclusion to this issue follow the proper course.

While we might not, as the Chairman said, reach a conclusion on this issue, we certainly must work to assure the families and all Americans that we are getting to the end of our long search for our missing soldiers. I agree with the Chairman's comments that we are not here to judge, that we do not come to this hearing with our minds made up. But, Mr. Chairman, let's clear these waters and get on with the business you and your delegation so ably put to the Vietnamese and Lao governments. Let's get our boys back home or know full well why we cannot.

Statement by John D. Rockefeller IV
Veterans' Affairs Hearing: Sightings of Live Military Personnel
Mission in Action
January 28, 1986

Mr. Chairman, I would like to start by extending my gratitude towards you and our distinguished colleague, Senator DeConcini, for your leadership in determining the fate of the Americans missing in action since the Vietnam War. Your recent trip to the Philippines, Vietnam, Thailand, and Laos clearly has contributed to improving the dialogue with the countries whose help we simply must have to resolve the many unanswered questions. I am confident that we will see more progress as a result of the discussions you had with foreign officials, especially the Foreign Ministers of Vietnam and Laos.

This hearing signifies the growing recognition in Congress of the public's desire to see efforts stepped up even further to analyze reports of live Americans in Indochina and ensure that all servicemen and women are returned, whether dead or alive. I should note that I am quite impressed with the commitment shown by the Administration in recent years to pursue these goals. High-level Defense and State Department officials, including those invited to today's hearings, deserve our appreciation for their leadership in the MIA effort. However, I also sympathize with the feelings of private MIA and POW citizen groups. These individuals, so many of whom still wonder what happened to relatives and close friends not yet back from the war, have doubts about the U.S. government's work and questions about what more will be done.

As a committee and as representatives of the American people, we owe those who want assistance from Congress greater attention to issues concerning MIA's and a pledge to resolve as many questions as possible.

Today's hearing helps to begin a process of more extensive Congressional involvement in the MIA issue. Perhaps this will lead to other committees in both bodies of Congress to strengthen their role in aspects of direct concern to their jurisdiction. For example, the appropriate committees might consider what leverage is available to insure full cooperation from Laos and Vietnam.

I am commited to assisting in this process. Today's hearing will shed light on how much credible information is available to assess "live sighting reports." We will hear from different sides on the question of whether the federal government is doing all it can. And I hope we will elicit concrete suggestions for actions that can be taken to remedy what problems exist and resolve the unanwered questions. I strongly encourage all of us to focus on the options at-hand to bring this important and unfortunate situation to a close.

Mr. Chairman and Senator DeConcini, thank you again for your efforts. You have been instrumental in giving more hope to those connected to the missing that their government cares and will respond.

OPENING STATEMENT OF

THE HONORABLE MICHAEL BILIRAKIS

SENATE COMMITTEE ON VETERANS AFFAIRS
HEARING ON AMERICAN POWS AND MIAS IN SOUTHEAST ASIA
JANUARY 28, 1985

MR. CHAIRMAN, I'M VERY GRATEFUL FOR THE OPPORTUNITY TO JOIN YOU AND MY SENATE COLLEAGUES ON THIS COMMITTEE IN HOLDING TODAY'S VERY TIMELY HEARING ON THE SUBJECT OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA. YOU ARE TO BE COMMENDED FOR PROVIDING THIS PUBLIC FORUM FOR EXCHANGING INFORMATION AND FOR AIRING THE MANY UNRESOLVED ISSUES THAT CONFRONT US AS WE STRIVE TO GAIN THE FULLEST POSSIBLE ACCOUNTING.

I WAS PRIVILEGED TO CONTRIBUTE IN A SMALL WAY TO CONTINUED AND, I HOPE, GREATER PROGRESS ON THIS ISSUE AS A MEMBER OF THE JOINT, BIPARTISAN CONGRESSIONAL DELEGATION WHICH RETURNED FROM VIETNAM AND LOAS JUST LAST WEEK.

I WISH WE COULD SAY THAT WE CAME BACK WITH ALL THE ANSWERS. OF COURSE, WE DID NOT. BUT IF PROGRESS ON THIS ISSUE HAS BEEN MEASURED IN INCHES, I BELIEVE WE ARE A STRIDE CLOSER TO OUR GOAL AS A RESULT OF THIS TRIP. THE VIETNAMESE AND LAOTIANS WERE VERY IMPRESSED WITH THE FACT THAT OURS WAS THE FIRST CONGRESSIONAL DELEGATION TO INCLUDE MEMBERS OF BOTH THE HOUSE AND SENATE, AND THE VIETNAMESE EXPRESSED A WILLINGNESS TO COOPERATE IN INVESTIGATING ANY SUBSTANTIVE LIVE SIGHTING REPORTS THAT WE BRING TO THEIR ATTENTION. LET'S HOPE THAT'S A PROMISE THE VIETNAMESE KEEP.

FOREMOST IN THE MINDS OF MANY FAMILY MEMBERS AND THE PUBLIC IS, OF COURSE, THIS QUESTION OF LIVE AMERICANS BEING HELD AGAINST THEIR WILL, OR PERHAPS, REMAINING BEHIND OF THEIR OWN CHOICE. I SAW OR HEARD NOTHING ON OUR RECENT TRIP TO VIETNAM AND LAOS TO CHANGE MY PERSONAL CONVICTION THAT SOME LIVE AMERICANS PROBABLY DO REMAIN IN SOUTHEAST ASIA. WHILE SUFFICIENT, CONCLUSIVE EVIDENCE IS LACKING, THERE JUST ARE TOO MANY SMOKING GUNS TO DISCREDIT THE ASSUMPTION ON WHICH OUR GOVERNMENT IS OPERATING--THE ASSUMPTION THAT THERE ARE LIVE AMERICANS IN INDOCHINA.

WE HAVE AN OBLIGATION TO ADDRESS THIS AND THE MANY OTHER QUESTIONS ABOUT THE FATE OF THE MISSING THAT ARE CRYING OUT FOR ANSWERS. HAVING STATED MY OWN PERSONAL OPINION, I WANT TO SAY THAT I ALSO FEEL QUITE STRONGLY THE OBLIGATION WE HAVE--EVERY ONE OF US--TO DEAL IN FACT ONLY AND TO WEED OUT UNFOUNDED SPECULATION THAT CAN ONLY SERVE TO DIVIDE US IN OUR COMMON GOAL.

MR. CHAIRMAN, I KNOW THAT THE MANY WITNESSES WHO WILL BE TESTIFYING BEFORE US HAVE SOME VALUABLE INFORMATION TO IMPART TO US--INCLUDING RUTH BRELLENTHIN AND BOB CRESSMAN FROM MY OWN STATE OF FLORIDA--AND I LOOK FORWARD TO HEARING FROM ALL OF YOU.

THANK YOU, MR. CHAIRMAN.

PREPARED STATEMENT OF
ANN MILLS GRIFFITHS
EXECUTIVE DIRECTOR OF THE

NATIONAL LEAGUE OF FAMILIES
OF AMERICAN PRISONERS AND MISSING IN SOUTHEAST ASIA

BEFORE THE
SENATE COMMITTEE ON VETERANS AFFAIRS

JANUARY 28 & 30, 1986

Mr. Chairman, Distinguished Members of the Committee:

The opportunity to appear before you today is welcome. It has been years since the League was requested to testify before a Committee of the Senate. The subject is closest to those I represent, the families of men still prisoner, missing or unaccounted for as a result of the Vietnam war. The National League of Families is the only organization comprised solely of relatives of men still missing and is, therefore, recognized as the spokesman for those not able to be here today - 2,441 American servicemen and civilians, a truly unique and special group of Vietnam veterans. This is a responsibility we take very seriously.

These hearings demonstrate the increasing visibility which has resulted from President Reagan's personal priority and concern, his determination to ensure development of a viable, bipartisan policy geared to obtaining serious cooperation from those who hold the answers - the Indochinese governments.

Before providing the League's assessment of where the issue now stands, it is necessary to briefly review where we have been throughout the many years this issue has dominated the lives of League members. The National League of Families was formally organized and incorporated in 1970. Our purpose then and now is the same - the return of American prisoners, the fullest possible accounting for the missing and the repatriation of remains of those who died serving our nation in Southeast Asia. Membership in the League is confined to blood or legal relatives of those listed as prisoner, missing or unaccounted for in Southeast Asia and returned Vietnam POWs and their families. The numbers have fluctuated, based on many factors, but recently membership has increased significantly due to raised priorities in our own government which gave encouragement that a serious effort to determine the fates of our men would finally be made. Today, the number of family members in the League stands at just over 2,700 and growing.

While the League's focus has remained the same, efforts of our own government have changed drastically, as has responsiveness from the Indochinese governments. For many years and due to varying circumstances, the U.S. government's actions can best be described as apathetic, low priority and lacking any serious policy or strategy. This situation prevailed throughout the bureaucracy, including the intelligence community. It was generally accepted by the families that the U.S. government was doing little to nothing to resolve the issue and that official effort was focused on presuming dead our missing men, writing off the issue and placing priority on eliminating this difficult problem from the consciousness of the American people. During those frustrating years, the families were viewed as unrealistic, emotional individuals who lived on false hopes, refusing to accept reality or seeking monetary benefit by retaining active-duty pay and allowances.

Few officials or Members of Congress, much less the media, understood or cared to know the facts of the issue or the motivating force which held, and still holds, the families together. That key factor is uncertainty - the need to know one way or the other what happened to a loved one. Belief in our own government was at stake - not wanting to believe the United States government would simply write off its young men, sent to serve our country. Confidence in our government was shattered repeatedly during those tough years.

My brother has been missing in Vietnam since 1966. Prior to my eight years as executive director, I served four years as an elected member of the board. My father served on the board, preceded me as executive director and subsequently served as chairman of the board. Those earlier years saw numerous demonstrations in front of the White House and State Department, many of which I helped organize...and it was tragic to see conservative, patriotic people like the families forced into such a situation, just to keep the issue from being swept under the rug for political convenience.

Had it not been for bipartisan support in the Congress and radio broadcasts by the man who now serves as President of the United States, we probably would not be here today. Some who were instrumental in holding us together are no longer with us, like Senator Dewey Bartlett and Representatives Clement Zablocki and Tennyson Guyer. Others who were with us then are still among our strongest, most knowledgeable supporters, like Senators Robert Dole, Strom Thurmond, Ernest Hollings and Representatives Ben Gilman, Jerrry Solomon, Steve Solarz, Bob Dornan, Bill Young, and many others.

With all that as history, and it is only a sweeping glimpse, the National League of Families has gained invaluable experience and knowledge - a unique perspective on events now taking place, both positive and negative. The League is a democratic organization, guided by an elected, nine-member board of directors which establishes policy on matters which affect the issue. I implement League policy assisted by a staff of six, headquartered in The American Legion Building in offices which have been provided free of charge for 14 years. The Legion's support has been invaluable as has that of all major veterans organizations, and I am pleased to see several such groups represented here today.

The priority for which we fought these many years is now in place, thanks to long-held interest and concern of the President and dedicated people, many of whom are Vietnam veterans, now in positions of responsibility which directly affect the issue. Just this month, in my 5th trip to Hanoi, I met for the 8th time with Vietnamese Foreign Minister Nguyen Co Thach as a member of the highest level delegation to go to Vietnam since the end of active US involvement in the war. The results of this latest series of meetings will be the subject of later testimony by the Departments of State and Defense. I will say now that the level of representation and the substance of discussions clearly reflect the priority of our government and the seriousness with which all relevant agencies are now addressing the issue.

Detractors might say this is long overdue, and that is true. No one has a greater right to be impatient than the families - and we are, but we are also sufficiently knowledgeable to grasp the reality that there was no serious effort until policy was developed in early 1982 and put into place through extensive effort to ensure bureaucratic understanding and support. Progress since that time has been significant, even though we don't yet have the results we or the US government seek. Responsiveness of the Indochinese governments is directly proportional to their own perceived national interest and their perception of US government seriousness.

The question is now being raised as to why the Vietnamese are "suddenly" responding? In my view, their increased responsiveness is not sudden - it is the direct and logical result of a viable policy which makes it in their interest to respond seriously, on a humanitarian basis. The separation of this issue as humanitarian, to be resolved regardless of political differences between the two countries, is critical to the process. In prior years, resolution of the POW/MIA issue was tied to the question of normalization of relations as a "hoped for by-product," and when those negotiations broke down, the POW/MIA issue suffered a total stalemate for over two years.

The agreement between the United States and the Governments of Vietnam and Laos to accelerate cooperation on a humanitarian basis enables continuing technical cooperation and direct high level discussions, both of which have served the issue well during the Reagan Administration. Raised intelligence priorities, high level negotiations, an adopted public awareness strategy to educate the American people on the substance of the issue, support from the ASEAN nations to encourage bilateral cooperation are all parts of a developed and effective strategy to implement the high priority established by the President.

We are now seeing the results: two-way dialogue on the live prisoner issue; return of the remains of those known captured; the recovery and return of those reported to have died in captivity; a first-ever joint excavation of a US crashsite in North Vietnam; the second US/Lao excavation to take place very soon; and pledges from both countries to continue and accelerate this critical process.

Allegations are bandied about that the League focuses only on remains, not on live POWs. That assertion is shear hogwash. The League's first priority since inception and now is recovering live POWs. I have direct reason to know, as a participant in all high level delegations since 1982, that our priority is now shared by the US government, including the President.

What appears to be honestly misunderstood by some or deliberately misconstrued by others is that efforts on the live POW and accounting issues are complimentary, not mutually exclusive. Agreements reached through policy-level negotiations ensure focus on discrepancy cases, men who were captured who have not returned - either alive or dead - and those reported to have died in captivity. Accounting for such discrepancy cases narrows the audience on the live POW issue and, most importantly, ends the uncertainty for their families.

Ask any family member whose loved one's remains have been returned about the peace of mind gained from finally ending the uncertainty, by having the sad privilege of burying their loved one in the nation they served, with the honors they deserved. I know many who have experienced this and can personally attest to the importance. Should there be efforts on the accounting? Our answer is yes, serious, high priority efforts such as we now have.

On the subject of live POWs, the League saw the negative policy of past administrations changed by the Reagan Administration to a positive position, leaving open the possibility that Americans are still held captive and pursuing evidence to prove their existance. We endured the years of little to no priority in the intelligence community to reach the level of resources now available, about which you will hear from current Defense Intelligence Agency Director Lt. General Leonard Perroots, USAF. Do we support these serious increases in intelligence capability? Of course! We fought hard to obtain the expanded resources. Are we optimistic that results can be achieved? Yes, because there are resources now in place which offer potential to obtain that solid evidence necessary for a Presidential decision to take decisive action as he has pledged.

The League and I, personally, hold the view that Americans are still held in Indochina, a position we have maintained throughout the years. Our policy is based on the weight of evidence, the history of the issue and the many discrepancy cases which have yet to be resolved. It is a realistic position and one which we are pleased to see is now shared by countless Americans and an increasing number in the Congress. Holding this position brings added responsibility and a sense of urgency which generates frustration and, all to often since the priority was raised, irresponsible actions. Indiscriminate support for simple solutions, whether born of guilt or ignorance, can and does damage the issue by creating irrational expectations, interfering with serious efforts and undermining the validity of the live POW issue through fabrication or unnecessary elaboration. None of this is helpful. The issue is viable, based on objective facts, logic and reason.

The families finally have reason to be encouraged - not false hopes as has been aroused in the past, but realistic expectations based on significant progress which we can see. Never, since 1973, has the League witnessed direct involvement of such high level officials. Following my return from Hanoi and participation in the Armitage Delegation, Assistant Secretary of State (East Asia and Pacific Affairs) Paul Wolfowitz, National Security Council Director of Political/Military Affairs Richard Childress and I briefed the President on this latest trip and the overall issue. The 45 minute meeting included the Vice President, Secretary of State George

Shultz, the President's Chief of Staff Donald Regan and Assistant to the President for National Security Affairs Vice Admiral John Poindexter. I had known firsthand the President's interest and commitment, but his current working knowledge of what this Administration is doing to resolve the POW/MIA issue renders absurd any allegation that a conspiracy and coverup exists under this President's Administration.

The Secretary of State has been and is instrumental in diplomatic initiatives which directly affect the live POW and accounting issues. The Vice President's knowledge leaves no mistake as to what does and does not help in supporting the President's policy on this issue.

In spite of the unprecedented, personal involvement of the very highest levels of our government and the high priority this Administration has placed on resolving the issue, disturbing events are taking place which threaten the progress being made. Charges of conspiracy and coverup, unfounded allegations which serve as a basis for fraudulent fundraising, even attempts at character assassination, are attracting the media with the controversy they feel compelled to report and are generating divisiveness on this subject when unified support for current efforts is critically important.

Calls for a special POW/MIA Commission, whether congressional or Presidential, are based primarily on assertions that a conspiracy and coverup exists. The absurdity of such claims becomes clear when simple facts are recognized. Would any administration promote visibility through public awareness, establish a policy of full disclosure to the families of all possible information and open high level negotiations if their intention was to coverup the issue? I think not, and due to my access to classified information, I know such claims are untrue. It defies reason and logic to think otherwise.

Nevertheless, Representative Billy Hendon raised such charges to the press and the National League of Families in November of 1983. With Mr. Hendon's concurrence, the Board of directors referred the charges to the House Task Force on POW/MIA's which conducted a year-long investigation and found the charges without substance. Subsequently, in a separate look at the issue, the House Select Committee on Intelligence also reached the conclusion there was no conspiracy or coverup and "determined that DIA performs unbiased, professional, and thorough analyses of POW/MIA live sighting cases."

Conspiracy and coverup charges are most often levied on the Defense Intelligence Agency. It is publicly claimed that DIA is deliberately dismissing as invalid reports which prove Americans are held captive in Indochina. I am acutely aware of DIA's handling of firsthand sighting reports, the resources now applied to determining their validity and the tedious, time consuming efforts made to pursue each report. To categorize current efforts as deliberate debunking, purposeful coverup, lies and distortions, is not only wrong but, most importantly, is draining critical resources from their primary task - to substantively follow-up intelligence information. Domestic drains of those increased resources which the League fought to obtain, and this Administration provided, will be labeled historically as an atrocity if allowed to continue.

DIA's POW/MIA special office is the central focal point for intelligence on this issue. Their resources have been more than doubled in the last five years after having been nearly eliminated in the previous administration. These increased assets are being diverted from their highest priority and reason for being -- determing the validity of firsthand sighting reports. Professional time spent preparing for extensive sessions with those who charge conspiracy and coverup, plus responding to inquiries and requests from the private sector, leaves little time to devote to the issue.

The League fought to obtain increased resources and raised priorities and were supported in our effort by this Administration. Our objective was to seek proof of prisoners, not to see such assets spent almost fully to satisfy those who wrap themselves in the flag, stating strong support for the President, while denigrating his representatives as conspiring to coverup the issue.

The role of Congress has changed through the years, dependent upon the administration in place and their efforts or lack of same to resolve the issue. When the executive branch was not serious, Congressional involvement was critically important - just to keep the issue alive. Now that high priority is in place and a serious policy is bringing results, the requirements have changed. The Indochinese governments must understand the bipartisan support current efforts now enjoy. Members of Congress are rightfully viewed by the Indochinese governments as the representatives of the American people. The high level of interest in your individual constituencies is the best, most helpful message Members of Congress can convey - and Hanoi is watching, closely.

Conspiracy and coverup allegations have caused increased receptiveness to simplistic suggestions, such as special commissions to "investigate" the issue - to determine whether Americans are held and to suggest a means for obtaining their release. Supporting the belief that selected individuals could review information already available to the US government and reach a conclusion which differs from that now held is to assume that charges of conspiracy and coverup are valid, a theory already discredited through numerous investigations and common logic. At best, a commission would reach the current, positive position now accepted as official US government policy - that the Americans may still be held in Indochina.

Those who allege that evidence already exists, that proof of POW's is being withheld from the President and his cabinet, that a special commission will divulge the "real truth," are deluding themselves, accepting only what they wish to believe rather than facts. To additionally suggest that any commission, more adequately than responsible officials or the President, could develop a means for securing the release of men still held is ridiculous. At its heart, it assumes we are dealing in a hostage situation, with known parameters, instead of the ambiguity of trying to confirm their presence so action can be taken. The President has pledged to take decisive action on any report which can be confirmed. What better assurance can the families or anyone have than such a specific commitment from the leader of the free world, President Reagan?

The League is opposed to any commission under current circumstances. Should the situation change, a stalemate develop or an uncertain political future be faced, a special commission might make sense; however, we would first want to discuss the matter directly with the President.

Other controversies have recently arisen which bear attention and require that the League's official position be made a matter of record. Reports occasionally surface that private Americans are pursuing attempts to either "search" for American POWs or conduct cross-border forays to obtain their release. The League's official position on this harmful prospect is firm opposition to irresponsible cross-border forays which interfere with legitimate efforts to resolve the issue. In years past, when there was no serious US government effort to return our men, private efforts appeared to offer the only alternative, sought out of desparation. In view of current priority, such is no longer the case. Vaild information suggests that private groups are now operating with no intelligence, little capability and even less chance of success. To further complicate this aspect, I have learned reliably that resistance elements are being encouraged to portray interest in the POW/MIA issue, accept private funding and use it for their own purposes.

The undermining result of rampant misinformation has already been mentioned as destructive to the credibility of the issue; however, there is an aspect which requires additional comment - illicit and fraudulent fundraising which takes advantage of the highly emotional nature of the issue to raise money with little to no accountability. This unsavory aspect of the issue has taken on serious proportions as the priority has succeeded in making the issue visible. Misinformation is the base; vulnerable family members, some veterans and other patriotic Americans are the victims.

The litigation recently filed by two individuals against the President, the Secretaries of State and Defense and the Director of Defense Intelligence Agency, plus their predecessors and successors, has generated concern, interest and controversy within the League and throughout the veterans community. The League board declined to take a position on the charges due to a lack of specific knowledge regarding allegations in the litigation; however, League policy is that any evidence regarding proof of living US POWs should be provided to responsible officials for appropriate action.

Following adoption of this policy, the League's leadership met with the plaintiffs in this case and were informed by Major Smith and Sgt. McIntire that neither had any firsthand information on Americans in captivity. Having reviewed all classified data provided to the US government by the plantiffs, it is clear to me that proof of POWs was not provided through official channels, though their public statements indicate possession of such evidence. The League views as irresponsible any refusal to provide substantive data to responsible officials in the US government.

The February, 1985, joint excavation in southern Laos brought to light some questions regarding U.S. government procedures which are now under review by policy, legal and casualty officials. The Pakse excavation was, in itself, precedent setting and there developed a need to deal with circumstances unlike any previously encountered. There is need to standardize, throughout the military services, applicable procedures for handling such situations in the future. If, as all hope, additional joint excavations take place, fragmentary remains recoveries will undoubtedly occur.

At the request of the Department of Defense, three certified forensics anthropologists visited the Central Identification Laboratory December 9-13 to review current technical expertise in combat identification procedures and report their findings and recommendations. The League advocated this step, anxiously awaits the results and is confident that valid recommendations will be adopted in view of the need we all share to ensure credibility in the Central Identification Laboratory.

Erroneous information has been distributed which indicates that the League does not support the families' right to challenge the CIL's findings. For clarification, the League advocated a complete review of U.S. government procedures to ensure families' rights are protected and that the remains of Americans are not publicly exploited.

We fully support the next of kin's right to seek a second opinion, as does the U.S. government, and advocate that findings which differ from those of the CIL be considered by the official review board (Armed Services Graves Registration Office) prior to final incorporation into the permanent record. The League also advocates oversight by the Congress. We view CIL's credibility as central and basic to the accounting process.

This hearing is one of countless that I have participated in or watched during my many years of involvement in the issue. It is encouraging in that the issue is serious enough to the Senate to warrent this full committee hearing. More importantly, this hearing is based on the recognition that serious government efforts are underway, and there is the potential to damage prospects for further progress.

We hope this hearing will not only help to inform the American people of the significant progress made to account for our men but alert them to the dangers to that progress. We, the families, have the most to gain or lose from action or inaction of the executive and legislative branches, the media and the private sector. Our stake is greatest -- thus we will continue our role as the conscience against irresponsible activity in the private sector and bureaucratic apathy or ineptitude in the government. We can do no less for our relatives and our great nation.

Thank you.

VETERANS OF FOREIGN WARS OF THE UNITED STATES

THE EXECUTIVE DIRECTOR

STATEMENT OF

COOPER T. HOLT, EXECUTIVE DIRECTOR
WASHINGTON OFFICE
VETERANS OF FOREIGN WARS OF THE U. S.

BEFORE THE

COMMITTEE ON VETERANS' AFFAIRS
UNITED STATE SENATE

WITH RESPECT TO

MIA LIVE SIGHTINGS

WASHINGTON, D. C. JANUARY 28, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

Thank you for the privilege of appearing before this distinguished Committee to present the views of the Veterans of Foreign Wars of the United States. I am Cooper T. Holt and it is my privilege to serve the more than two million men and women of the Veterans of Foreign Wars as the Executive Director of our Washington Office.

Mr. Chairman, in the view of the Veterans of Foreign Wars of the United States, the resolution of the POW/MIA issue is one of our top priorities. For too long it was an issue that lay forgotten except by the National League of Families and a few organizations such as ours. Now it is not forgotten and, indeed, it has become a top priority issue for resolution by the current Administration. We are glad the cause of our missing men has the attention and concern of the Congress as well.

★ WASHINGTON OFFICE ★
VFW MEMORIAL BUILDING ● 200 MARYLAND AVENUE, N.E. ● WASHINGTON, D. C. 20002 - 5799 ● AREA CODE 202-543-2239

Your recent trip to Vietnam, Mr. Chairman, I believe helped carry the message to Hanoi that America's veterans want and expect the fullest possible accounting of our missing comrades. The news accounts of your meetings reassure us that the message did indeed get across to the Vietnamese. Hopefully, your trip and this hearing will help dispel some of the confusion and misinformation about the POW/MIAs from which this important issue still suffers. Also, I believe your trip drove home the point to the Vietnamese that the Congress and the Administration are both firmly united in this effort.

Mr. Chairman, the VFW believes in and firmly supports these efforts to account for the more than twenty-four hundred Americans still missing in Vietnam and Laos. For years we urged a government-to-government approach to this issue, and we continue to support this approach now. The VFW believes the government-to-government approach offers the best opportunity to recover any Americans who may be still alive in Southeast Asia and also gain the return of the remains of other American servicemen. By accomplishing these priority tasks, we believe our larger goal of the fullest possible accounting of all missing men will be reached.

With respect to the specific topic of live sightings of MIAs in Vietnam, you, as well as I, are well aware that Hanoi denies any Americans remain there. Yet our Government has numerous reports that are evidence Americans may still be in Southeast Asia. The VFW believes that despite Hanoi's denials, these reports must be pursued through the government-to-government approach until the full accounting has been completed. Also, as our Commander-in-Chief stated in a recent article on this subject, which I will include for the record, any group or individual with information about POW/MIAs should turn it over to the proper Government authorities. That, he went on to say, should be accepted as a patriotic duty by all Americans.

In closing, Mr. Chairman, let me reiterate that the Veterans of Foreign Wars of the United States has been and will remain dedicated to the fullest possible accounting of all our servicemen, either alive or dead. We believe it is a matter of honor for all of us to seek their speedy recovery or return and that we expect the Government to use its full resources at its maximum capability to reach this goal at the earliest opportunity.

Thank you, Mr. Chairman and Members of the Committee, for allowing me another opportunity to speak out on behalf of the VFW on this issue.

Mr. Chairman, this concludes my statement. Appended to my testimony is an article over our National Commander-in-Chief's byline which appeared in the January issue of our VFW Magazine entitled, "The POW/MIA Issue." Also, a copy of a resolution passed at our last National Convention, held in Dallas, Texas entitled "America's Prisoners of War and Missing In Action -- A Non-Negotiable Matter of Honor" is also attached. We respectfully request this article and this resolution be made a part of this hearing.

Thank you.

(FROM JANUARY, 1986 ISSUE OF THE VFW MAGAZINE)

THE POW/MIA ISSUE

BY

JOHN S. STAUM

VFW COMMANDER-IN-CHIEF

The VFW is known as an organization willing to tackle the tough issues. Our willingness to face up to issues has earned us an important role in keeping faith with our nation's veterans and its servicemen and women.

One issue that is very important to the veteran, the serviceman and his family is the status of America's Prisoners of War and Missing in Action in Southeast Asia. January is an especially appropriate month in which to discuss the issue, for on January 27, 1973, North Vietnam agreed to return the prisoners and account for the missing.

In connection with this anniversary, January 26, a Sunday, has been designated the National Day of Prayer and Commemorative Candlelight Services to honor all POW/MIAs. Throughout the country, the time for this commemoration has been set for 3 p.m.

In my acceptance speech to the delegates to our 86th National Convention, I promised to keep the VFW's commitment to our missing men and to work hard for the fullest possible accounting of our comrades at the earliest opportunity.

In the short time I have served as your Commander-in-Chief, I have been asked a lot of questions about the POW/MIA issue. I am glad to hear these questions because it indicates to me that our members are as concerned as I am about our missing men. I don't have all the answers, and there probably won't be any final answers until each of the 2,446 missing men has been returned home. But I will try to answer these most frequently asked questions.

QUESTION: Is it true that Americans are still being held captive in Southeast Asia?

ANSWER: I don't know whether Americans are being held captive in Vietnam or Laos, but I know our government has reports of Americans still alive in those countries. Our intelligence agencies have added more personnel and resources so they can continue to investigate the 114 reports of live sightings. Almost one half of these reports indicate that the person who was observed was walking around freely and not under guard. This suggests the person may be a Russian or other European or an American who may have chosen to remain in Vietnam. There are 51 remaining reports of Americans in captivity, but most of the sightings occurred before 1978 and only two reports mention sightings of Caucasians since that time. All these reports are evidence that Americans may still be in Southeast Asia, but none of the reports offer any conclusive proof.

Until this past August, the Vietnamese dismissed the live prisoner issue. They steadfastly insisted that no Americans remained in Southeast Asia. Then in August they told our negotiators that several live sighting reports had come to their attention and were investigated, but the reported individuals were not Americans. The Vietnamese pledged to continue such investigations in the future.

QUESTION: What about the charge by some POW/MIA groups that the government is not doing enough to recover our men?

ANSWER: This is a very puzzling claim. In the past it may have been true, but the results of the last four years suggest the government is working hard to resolve the issue.

Throughout the 1970s, the government did not aggressively pursue the effort to locate our men. In fact, both a Presidential and a Congressional commission concluded there were no live Americans and the remains of others would be next to impossible to recover. But the Reagan Administration ignored the commissions' conclusions and pledged itself to the fullest possible accounting of the men who are missing.

In the past few years good progress has been made. Since 1981, remains of 88 Americans have been recovered; the Vietnamese and Laotians have agreed to cooperate with the U. S. in the search for others; and just recently Hanoi offered a work plan to account for the missing Americans. The Vietnamese accepted the U. S. proposal to excavate together sites of downed U. S. aircraft in searching for missing U. S. servicemen's remains. On November 15, a joint U. S.-Vietnamese team began working a B-52 crash site. Of the 26 sets of remains returned by the Vietnamese in August, 13 Americans have been identified. In Hawaii, the Central Identification Laboratory is working to identify the rest.

President Reagan has gone on record as saying he will take decisive action if he gets conclusive proof of Americans held captive in Southeast Asia. Until those POW/MIA groups which claim to have information about POWs provide it for verification, they cannot claim it is conclusive and the President cannot act. Any group or individual with information about POW/MIAs should turn it over to the proper authorities, because only the government has the resources to check the accuracy of information. That should be accepted as a patriotic duty by all Americans.

QUESTION: What is the VFW doing about the POW/MIAs?

ANSWER: Since 1966, the VFW has been out in front on this tough issue. We insisted right at the start that our government aggressively pursue the POW/MIA issue and not allow it to be forgotten. With the POW/MIA Subcommittee of our National Security Committee leading the way, we pushed a public awareness campaign in cooperation with the National League of Families that has made millions of Americans realize that the Vietnam War is not over for the families of our missing men.

Through the POW/MIA Subcommittee and our State POW/MIA chairmen, we are trying to focus public pressure on the Vietnamese so that Hanoi realizes that all

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recommended, however, and our delegates adopted a resolution which supports a Presidential commission if the President believes it will help him recover our men.

QUESTION: Why doe- the VFW remain so closely tied to the League of Families?

ANSWER: The VFW has been tied to the issue of our POW/MIAs rather than to any group. Since 1969, our organization has been asserting that we wanted government attention focused on this issue. The League is the only organization comprised solely of POW/MIA families and represents the majority of the families of our missing men and our men as well. Because of this, the VFW sponsored and still supports the League representation on the government's POW/MIA interagency policy committee. The League has been and still is recognized by the government as the legitimate spokesman for the missing men and the majority of the POW/MIA families.

QUESTION: Wouldn't it be less painful in the long run to just forget about the POW/MIA issue considering the length of time that our men have been missing?

ANSWER: However painful and however long the process, the VFW will remain dedicated to the fullest possible accounting. Now, when we have reason to believe that the accounting may be completed within the next two years, we cannot quit. Even if it takes longer than two years, we need to work together to see that the job gets done. Taking care of our veterans and keeping faith with our servicemen and women are the main purposes of our VFW. We must never forget our purpose or the needs of others who have faith in us.

In my acceptance speech at our National Convention, I told our delegates that I would maintain the high priority of the POW/MIA issue, and I have already told that to our government officials. This is a promise I intend to keep, and I ask all of our members to join me and work with me in keeping our commitment to our missing comrades.

Resolution No. 404

AMERICA'S PRISONERS OF WAR AND MISSING IN ACTION
A NON-NEGOTIABLE MATTER OF HONOR

WHEREAS, twelve years after we witnessed the triumphant return of 566 military and 25 civilian Prisoners of War from Southeast Asia, there currently remain 2,464 Americans still missing or otherwise unaccounted for in Indochina; and

WHEREAS, the families of these U. S. Servicemen and civilians missing in Indochina still suffer untold grief and uncertainty due to lace of an adequate accounting; and

WHEREAS, the President has declared the issue of America's missing or otherwise unaccounted for in Indochina a matter of highest national priority and has been the only President who has made significant progress on this issue and has just directed increased high level dialogue with the government of the Lao Peoples' Democratic Republic and the Socialist Republic of Vietnam on this issue; and

WHEREAS, there may be something positive to a POW/MIA commission which would assist in resolution of this issue and encourage public awareness, however there is at present no certainty that such a commission would not politicize this humanitarian issue or sweep it aside as was the case with the 1976 House Select Committee and the 1977 Woodcock Commission in that the Socialist Republic of Vietnam would not stall or walkout of the forthcoming meeting by charging the commission is an interference in the government to government process; and

WHEREAS, the Socialist Republic of Vietnam in February 1984 promised to accelerate the resolution of this humanitarian issue; in February 1985 indicated it was interested in normal relations with the United States; and in July 1985 offered to resolve this issue within two years through government to government contact; and

WHEREAS, the Commander-in-Chief, recognizing these statements as an opportunity to speed up the recovery of our missing men, has suggested that if Hanoi moves quickly, the VFW might consider urging the U. S. Government to establish diplomatic relations; now, therefore

BE IT RESOLVED, by the 86th National Convention of the Veterans of Foreign Wars of the United States, that if Hanoi keeps its promise of accelerated recovery, then the VFW will consider the issue of normalized relations between the United States Government and the Socialist Republic of Vietnam; and

BE IT FURTHER RESOLVED, that the VFW supports the President's pledge of highest national priority and his latest effort to resolve the status of 2,464 Americans still missing and unaccounted for in Indochina; and that the President may want to consider a POW/MIA commission if such uncertainties can be overcome and if it will help maintain his high national priority and aids in the speedy and complete resolution that this issue deserves; and

BE IT FURTHER RESOLVED, that maximum U. S. economic and diplomatic pressure be sustained, for as long as it takes, to the end that those nations and movements which are hindering the search for the MIAs desist from this cruel practice and assist in the search effort as called for not only in the Paris Accords of 1973 but also by our common humanity; and

(Continued)

BE IT FURTHER RESOLVED, that the VFW continues to support and join the Administration and the Congress to speak out forcefully and publicly on this issue of our Prisoners of War and Missing in Action; that no most favored nation status be granted to the Soviet; that no further trade agreements be negotiated with that nation; that no material or monetary aid even be considered for the Socialist Republic of Vietnam or any like-minded countries until such time as an accurate accounting and/or return of our Prisoners of War and Missing in Action has been made; and

BE IT FURTHER RESOLVED, that attempts to barter for MIA information be denounced as the lowest and most despicable form of international blackmail; and

BE IT FURTHER RESOLVED, that the Subcommittee on POW/MIAs of the National Security Committee, mandated by the 81st National Convention, remain in force until this issue has been fully and fairly resolved; and

BE IT FURTHER RESOLVED, that the National League of Families of American Prisoners and Missing in Action in Southeast Asia must continue to be included in all inter-agency discussions from which policy intended to resolve this issue will evolve; and

BE IT FURTHER RESOLVED, that with the impending high level meeting the POW/MIA issue is entering a critical stage, the VFW recognizes and urges a National unity which fully reflects our trust, confidence and support for the President's latest effort.

Adopted by the 86th National Convention of the Veterans of Foreign Wars of the United States held in Dallas, Texas, August 16-23, 1985.

Statement of

The American Legion

1608 K STREET, N. W.
WASHINGTON, D. C. 20006

by

PAUL S. EGAN, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION

and

HARRY SULLIVAN, DEPUTY DIRECTOR
FOREIGN RELATIONS COMMISSION
THE AMERICAN LEGION

before the

SENATE COMMITTEE ON VETERANS AFFAIRS
UNITED STATES SENATE

on

AMERICAN POW/MIA'S IN SOUTHEAST ASIA

January 28, 1986

HARRY SULLIVAN, DEPUTY DIRECTOR
FOREIGN RELATIONS COMMISSION
THE AMERICAN LEGION

and

PAUL S. EGAN, DEPUTY DIRECTOR
NATIONAL LEGISLATIVE COMMISSION
THE AMERICAN LEGION

before the

SENATE COMMITTEE ON VETERANS AFFAIRS
UNITED STATES SENATE

Mr. Chairman, The American Legion appreciates this opportunity to express its views on the efforts to resolve the vital issue of American POW/MIAs in Southeast Asia. The 2.6 million members of The American Legion, one million members of the American Legion Auxiliary, and the half-million members of the Sons of The American Legion are firmly and unalterably committed to achieving a quick, accurate, and complete solution to the POW/MIA problem. We fully support the bipartisan efforts of the U.S. Government to obtain the immediate release of any Americans who may still be held captive in Indochina, the fullest possible accounting for those still missing, and repatriation of the remains of those who died so gallantly serving our nation. We also commend this Committee for holding these hearings, which we hope will responsibly enhance public awareness and will hopefully contribute to hasten the resolution of this issue.

We urge all Americans to unite in support of government-to-government cooperation as the most effective method of solving this humanitarian issue. Even though perhaps well intentioned, private operations in Indochina are totally counter-productive. They discredit and disrupt official efforts and endanger the lives of any Americans who still may be held captive. Likewise, the charges of "conspiracy" and "cover-up," frequently -- and irresponsibly -- made against the U.S. Government encourage Hanoi to believe it can exploit internal divisions among Americans, which they so effectively did during the course of the Vietnam war.

The American Legion does not support the appointment of a commission to once again review and study the POW/MIA issue. Our national objectives in this matter are clear to all. The U.S. Government has an excellent, increasingly effective, program underway to resolve the POW/MIA issue. Now the need is for all Americans to get behind that program and let Hanoi know U.S. public opinion will not tolerate a restoration of U.S.-Vietnamese relations until the entire Southeast Asia POW/MIA issue has been satisfactorily resolved.

It is very important that the United States not offer any tangible rewards, such as diplomatic recognition or financial assistance, to Vietnam as inducements to solve the POW/MIA problem. Under the Paris Peace Accords of 1973, the Vietnamese are obligated to return all prisoners, account for all those missing, and repatriate all remains from their territory.

Above all else, the U.S. Government must spare no effort to obtain the release of any Americans who still may be in captivity. In that regard, The American Legion fully supports the U.S. Government's current position on live sightings, which states:

> Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

Mr. Chairman, The American Legion believes the recent visits to Hanoi by the Armitage-Wolfowitz mission and by your Congressional delegation were extremely useful developments that should expedite progress in the immediate future.

We have cooperated with the National League of Families of American Prisoners and Missing in Southeast Asia since their inception. We intend to continue that joint effort because the League of Families represents those most personally concerned with resolving the POW/MIA issue. Furthermore, the League has played the major role in expanding public awareness of the problem and urging the U.S. Government to take effective action.

In conclusion, Mr. Chairman, The American Legion wants to reaffirm its commitment to work diligently toward an effective solution to this heart-rending humanitarian issue, which should have been resolved 13 years ago. We will do everything possible to expand responsible public awareness of the POW/MIA issue. While keeping a watchful eye and offering constructive advice, we will offer continuing support for bipartisan government-to-government efforts on this issue, which must continue to receive the highest national priority.

Thank you very much.

SIXTY-SEVENTH NATIONAL CONVENTION
OF
THE AMERICAN LEGION
AUGUST 26-28, 1985
NEW ORLEANS, LOUISIANA

RESOLUTION NO.: 370

COMMITTEE : FOREIGN RELATIONS

SUBJECT : POW/MIA

WHEREAS, There are currently over 2,450 Americans still missing or otherwise unaccounted for in Indochina; and

WHEREAS, The families of those U.S. servicemen and civilians missing in Indochina still suffer untold grief and uncertainty due to lack of an adequate accounting; and

WHEREAS, The President has declared the issue of Americans missing or otherwise unaccounted for in Indochina a matter of highest national priority, raised intelligence priorities, and initiated high-level dialogue with the government of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on this issue; and

WHEREAS, These efforts have resulted in the repatriation of the remains of 30 missing servicemen during the past four years; and

WHEREAS, The government of the Lao People's Democratice Republic has agreed to continue and increase cooperation with the United States, based on the successsful joint recovery effort conducted in early 1985, and the Socialist Republic of Vietnam has indicated willingness to consider the U.S. proposal for joint excavation of U.S. aircraft crash sites with their pledge to accerlerate cooperation with the United States; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in New Orleans, Louisiana, August 26, 27, 28, 1985, that we support the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina; and, be it further

RESOLVED, That we support the U.S. Government policy that the fullest possible accounting can only be achieved through government-to-government cooperation; and, be it finally

RESOLVED, That we urge the U.S. Government to ensure this issue remains one of the highest national priority and to accelerate efforts in every honorable way to obtain the immediate release of any Americans who may still be held captive in Indochina, the fullest possible accounting for those still missing, and repatriation of the remains of those who died serving our nation.

SIXTY-SIXTH ANNUAL NATIONAL CONVENTION
OF
THE AMERICAN LEGION
SEPTEMBER 3-5, 1984
SALT LAKE CITY, UTAH

RESOLUTION NO.: 454

COMMITTEE : FOREIGN RELATIONS

SUBJECT : OPPOSE UNITED STATES GIVING DIPLOMATIC RECOGNITION TO VIETNAM AS A MEANS OF OBTAINING INFORMATION CONCERNING OUR POW/MIAs

WHEREAS, We recognize that the POW/MIA issue is one of grave concern and have supported all efforts to obtain information regarding these Americans; however, we believe the idea of giving diplomatic recognition to Vietnam before satisfactory resolution of the POW/MIA issue would be blackmail and an insult to all who died and suffered in the Vietnam War; and

WHEREAS, We continue to support the U.S. Government's vigorous efforts to secure a full accounting of all Americans missing as a result of the Vietnam War, short of providing any recognition or financial assistance to Vietnam; now, therefore, be it

RESOLVED, By The American Legion in National Convention assembled in Salt Lake City, Utah, September 3, 4, 5, 1984, that we strongly reiterate our opposition to any proposal that the United States give diplomatic recognition or financial assistance to Vietnam as a means of obtaining information concerning our POW/MIAs.

STATEMENT OF
STEPHEN L. EDMISTON
DEPUTY NATIONAL LEGISLATIVE DIRECTOR
DISABLED AMERICAN VETERANS
BEFORE THE
COMMITTEE ON VETERANS AFFAIRS
OF THE
UNITED STATES SENATE
January 28, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

On behalf of the more than one million members of the Disabled American Veterans and its Ladies Auxiliary, I wish to thank you for the invitation to appear at today's hearing to present testimony "on issues pertaining to live sighting reports of American prisoners in Southeast Asia."

As you know, Mr. Chairman, as a result of the Vietnam War, more than 2,500 servicemen and civilians were listed as prisoners-of-war or missing-in-action in Indochina.

Today, due to the recovery and return of remains from both Vietnam and Laos, the number of missing and unaccounted for has been slightly reduced, however, the total is still in excess of 2,400.

Mr. Chairman, the Disabled American Veterans has, for more than a decade, maintained an enduring interest in the welfare of those Americans listed as missing or otherwise unaccounted for in Indochina. Over these years, the DAV has worked closely on this issue with the only national organization representing the families of those missing -- the National League of Families of American Prisoners and Missing in Southeast Asia.

And during that time, we have witnessed our government moving from a position of negligent inactivity to, just a few short weeks ago, a visit by the highest level U.S. delegation to Vietnam since the end of the Vietnam War to discuss with high-ranking Vietnamese officials the resolution of the POW/MIA issue over the next two years.

Clearly, the renewed efforts on this issue started when the current Administration took office in 1981. Since then, the President has publicly stated that this issue is one of "highest national priority" and the official government policy regarding live prisoners has changed from "there is no credible evidence to indicate that any Americans are currently held against their will in Indochina" (1976-1981) to "although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved" (1982-present).

Mr. Chairman, your letter of invitation to today's hearing specifically requested the DAV's views on the issue of live sighting reports of American prisoners in Southeast Asia. In this regard, the DAV does not have any information relative to live sighting reports that would prove useful to the Committee, however, I wish to emphasize that the DAV does support the U.S. government's current efforts and policy on this issue.

For your information, Mr. Chairman, and the other members of the Committee, I am appending to our testimony DAV Resolution No. 394 -- Seeking the Immediate Release of Any Americans Who May Still be Held Captive in Indochina and the Return of the Remains of Any Americans Who May Have Died in Southeast Asia During the Vietnam War -- which was unanimously adopted by the delegates attending the most recent National Convention of the Disabled American Veterans held in New Orleans, Louisiana, July 21-25, 1985.

In conclusion, Mr. Chairman, I again wish to thank you and the members of the Committee for the strong interest you have expressed and for providing the DAV an opportunity to comment on this most important issue.

* * *

RESOLUTION NO. 394
LEGISLATIVE

SEEKING THE IMMEDIATE RELEASE OF ANY AMERICANS WHO MAY STILL BE HELD CAPTIVE IN INDOCHINA AND THE RETURN OF THE REMAINS OF ANY AMERICANS WHO MAY HAVE DIED IN SOUTHEAST ASIA DURING THE VIETNAM WAR

WHEREAS, there are currently over 2,450 Americans still missing or otherwise unaccounted for in Indochina; and

WHEREAS, the families of those U.S. servicemen and civilians missing in Indochina still suffer untold grief and uncertainty due to the lack of an adequate accounting; and

WHEREAS, the President has declared the issue of Americans missing or otherwise unaccounted for in Indochina as a matter of highest national priority, has raised intelligence priorities and initiated high level dialogue with the governments of the Lao People's Democratic Republic and the Socialist Republic of Vietnam on this issue; and

WHEREAS, these efforts have resulted in the repatriation of the remains of 30 missing servicemen during the past four years; and

WHEREAS, the government of the Lao People's Democratic Republic has agreed to continue and increase cooperation with the United States, based on the successful joint recovery effort conducted in early 1985, and the Socialist Republic of Vietnam has indicated willingness to consider a U.S. proposal for joint excavation of U.S. aircraft crash sites with their pledge to accelerate cooperation with the United States; and

WHEREAS, the Disabled American Veterans support the U.S. government policy that the fullest possible accounting can only be achieved through government to government cooperation; and

WHEREAS, the Disabled American Veterans has maintained an enduring interest in the welfare of those Americans listed as missing or otherwise unaccounted for in Indochina; NOW

THEREFORE, BE IT RESOLVED that the Disabled American Veterans in National Convention assembled in New Orleans, Louisiana, July 21-25, 1985 support the President's pledge of highest national priority to resolve the status of Americans still missing and unaccounted for in Indochina; and

BE IT FURTHER RESOLVED that we urge the U.S. government to ensure this issue does in fact remain one of highest national priority and to accelerate efforts in every reasonable way to obtain the immediate release of any Americans who may still be held captive in Indochina, the fullest possible accounting of those still missing and repatriation of the remains of those who died serving our nation.

U.S. Senate Committee, Veterans' Affairs
Testimony of Major (Ret) Mark A. Smith

I am Mark A. Smith and I swear and affirm the following:

I have served in the United States Army since approximately 1963 in the military grades of Private, Sergeant First Class, and eventually as an Officer. I received my officer's commission on the battlefield by then General Westmoreland in 1968 and thereafter commanded two United States Army Infantry Companies, advised Vietnamese airborne and ranger battalions and served in 1972 as the ground Commander at Loc Ninh, Republic of Vietnam when it was overrun by multi division force of infantry and tanks. I served as a Prisoner of War and was held in Cambodia until my release in 1973 as part of Operation "Homecoming". I am authorized to wear the Distinguished Service Cross, the Silver Star, nine awards of the Bronze Star, four awards of the Purple Heart and other decorations.

Approximately in April 1984 while assigned to the Special Forces Detachment-Korea there was an occasion when I was required to turn over certain information to an Army Major General. This information was generated because back in 1981 as the detachment commander I had been given a mission to gather intelligence on the Korea Special Forces because of their ties to the Korean President and on the Thai Special Forces and any other special operations forces in Asia with who my unit worked. In approximately July 1981 the subject of American POW' s first came up when I was approached by a Thai General Officer who was concerned about LT COL "Bo" Gritz. He said that Gritz's information supported or corroborated information that his own intelligence had obtained.

I was introduced to this Thai officer by a man who himself was a Thai prisoner of war for many years. I was introduced as an American POW and that is the contextual setting that we talked. These officers assumed that since Bo Gritz was in the country at the same time this conversation was taking place that I was some how involved with the support and the POW rescue operation. At the time that was not a correct assumption.

I initially told this officer that I did not believe that there were any living Americans in Southeast Asia and he brought in his staff and the senior intelligence officer gave me a complete briefing on suspected and known locations of United States prisoners of war. The suspected and known locations of POWs as reported to me were all in Laos. I learned that the information had been developed through Thai reconnaissance teams. They stated that there was a possibility of obtaining evidence of the certainty of identification such as photographs and finger prints and similar evidentiary matters. This first meeting in July 1981 where these conversations took place was at Lopburi. After the briefing which I received I decided that there probably was some truth to the reports that there were living Americans in Southeast Asia. I was asked if I had a channel of communication which would bypass US Embassy Bangkok, CINCPAC and JCRC back to

Washington, D.C. to inform Washington, D.C. that they did have information that they would provide to me as long as they could be guaranteed that their sources would not be compromised.

I returned to my home station in Korea at Seoul and went to the military intelligence contact from DIA with whom SFD-K worked and drafted a message to DIA headquarters and to INSCOM. I saw this message and the message read that as long as the sources were not compromised these officers would provide information on locations and ID's of United States Prisoners of War in Laos. Five days later I was told that the sources would be closely guarded and no one in US Embassy Bangkok would be told of their identities. This message was sent within DIA channels in approximately August 1981. For approximately the next year and a half I went to Thailand every 60 to 90 days and got information from these sources and others. After being debriefed in August 1981 I operated under the general instructions from (DIA) to seek additional information about prisoners of war and MIAs.

After that time and until approximately April 1984 I, as the commander SFD-K returned from Korea to Thailand approximately once every two to three months and established an agent net among Laos, free Vietnamese and within the Thai military. The purpose of which was to establish whether there were in fact live Americans in Southeast Asia who may be held against their will. Efforts were made to come up with definite locations and to conduct combined training of Laos, Vietnamese and Thai with SFD-K. All of this was reported and sanctioned by the representatives of the United States. These representatives were DIA operatives in Korea. These DIA representatives were receiving their instructions from INSCOM located at Fort Meade, Maryland. On three different occasions I briefed a man whose title was either a LT COL or GS-15 who was the head of the organization SFD-K was gathering information for. In 1984 there was a major compromise of one Laos agent who was reported to have been shot by the Vietnamese and compromised my contact with senior Thai officers. I talked to an individual in the United States Embassy in Seoul to try and set up another channel which would allow me to bypass American Military Intelligence channels because of the constant compromises. I provided all the information that I had by that time to the Chief of the Research unit United States Embassy Seoul.

From approximately 1981 through 1984, I and others known to me continued to develop intelligence information. Among the intelligence information gathered was information relating to the location and identification of living Americans in Southeast Asia and or MIAs. This information was developed by talking with agents in the Thai military, the Laos resistance, the Pathet Lao, the free Vietnamese, gun smugglers, gold smugglers, drug smugglers and any one who could provide information. By the early part of 1982 I, and others, were convinced that there were American prisoners of war which were being held against their will. I came to this conclusion by cross checking the reports of approximately 50 different agents, the majority of whom had no knowledge of each other and corroborated the information by cross matching. I had personal contacts with agents who confirmed that there were POWs. In April 1984 in conjunction with preparing a briefing paper for a certain U.S. Army Major General I received the code word from a general officer in Thailand that there were three American prisoners of war available to be taken out of Laos in May 1984. When this information was passed to this Army Major General and to the 501st MI group and to CIA stationed in Seoul Korea all SFD-K operations to Thailand or to Southeast Asia were declared unauthorized and terminated. Prior to this time SFD-K operations had been going on for 3½ years. The conclusion which I reached about the significance of this change in the method of operations is that the production of intelligence on American prisoners of war was determined by some agency of the US government to be unacceptable. I was told that it was no longer SFD-K's job to develop or have any further participation in the POW/MIA issue. I was told that if I wanted to be a LT COL in the Army that I should forget about the POW/MIA information which had been reported to intelligence channels for the past three years. I was told that in no uncertain terms that I should forget the matter. This conversation between this general and I took place in Seoul, Korea in the general's office approximately two weeks after I gave this American general the briefing folder with the subject entitled "Possible American/Allied POWs in Southeast Asia - dated 10 April, 1984."

On or about 14 April 1984, the briefing package relating to the question of POWs in Southeast Asia was prepared by myself and personally delivered to this American general in his office in Seoul, Korea. After reading the two cover letters this general turned white, handed the briefing back to me and said "this is too hot for me to handle big guy." I told him at that time if you as a Major General can't handle this what am I suppose to do with it. I was told that if I was smart, what I would do was to put the briefing through a shredder and forget the entire issue. I demanded authorization to go to Washington, D.C. and see another General in the office of the Deputy Chief of Staff for Operations, United States Army. I was given a direct order not to have any more contact with that officer in Washington, D.C.

From the summer of 1983 until April 1984 LT COL Robert Howard was assigned as the chief combat support coordination team for special warfare command in Korea. On or about December 1983 I, SFC McIntire and LTC Howard were performing a joint training mission with the Thai military in Thailand. Prior to this on approximately 8 different occasions similar training had been participated in by us. On this particular occasion the purpose of the training was officially was to conduct high altitude-high opening parachute infiltration of an aggressor base followed by an airfield assault by a MACSOLL aircraft. If this mission had been flown along the intended route and the individuals had actually exited the aircraft with the prevailing winds a landing would have occurred approximately 20 miles inside the Laos border. However, we cancelled the mission. Thai troops who were participating in the exercise had been issued a full combat load of ammunition, rations and had every appearance of going into an unfriendly area. The significance of this operation in December 1983 was that all factors clearly indicated that some one, some where had given a "green light" for an exercise into Laos, that the Thai military who were along were prepared for just that, that the U.S. Air Force had received some instructions from some where to fly a certain flight path and the aircraft which was provided was a stealth type aircraft clearly intended to facilitate the infiltration into Laos in a clandestine manner without informing either myself, SFC McIntire or LTC Howard. When the air crew was questioned by me as to why they changed the flight plan I was told they had received a new flight plan from the command center at Clark Air Force Base representing 13th Air Force.

In approximately September 1984, I was reassigned to the 5th Special Forces Group, Fort Bragg, North Carolina. Specifically I was assigned to the Command Training detachment. Three weeks after my arrival I received my mandatory retirement orders given me a retirement of 1 February 1985. LTC Howard was also transferred from Korea.

Subscribed and sworn this __ day of January, 1986.

Mark A. Smith

Mark A. Smith

Witness:

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U.S. Senate Committee, Veterans' Affairs
Testimony of Melvin C. McIntire

I am Sergeant First Class (Ret) Melvin C. McIntire, United States Army, and hereby swear and affirm the following:

During the approximate period of time beginning February 1982 through August 1984 I was assigned on active duty in Korea with the Military Organization designated the Special Forces Detachment-Korea (SFD-K). The general and unclassified mission of this assignment was to serve a liaison with the Special Forces Units in the Army of the Republic of Korea. While assigned to this organization for this period of time I was the Senior Medical Specialist for SFD-K with the general responsibilities of providing for the general health of the detachment and maintaining records, supplies. My primary responsibility was to act as liaison to the Commanding General of a Republic of Korea Special Forces Brigade. Further my responsibilities included liaison to a Special Mission Battalion which dealt with counter terrorism. In addition I was assigned to a compartment which had a mission to identify, locate, and possibly rescue American Prisoners of War, known to be held in Laos, Cambodia, and Vietnam.

In order to accomplish the mission of this compartment it was necessary to make contact with and recruit agents from all spectrums of the society with which we dealt in the countries of Southeast Asia. I speak two dialects of Thai, some Laotian and two dialects of Korean. I also read and write Korean. I have been on active duty in the United States Army for approximately 22 years and have been trained in the general areas of operations intelligence, weapons, demolitions, medicine, counter terrorism, escape and evasion, high altitude, low open parachute operations, underwater operations, general survival and many other areas of special operations expertise.

I have also been an instructor for unconventional warfare at the John Fitzgerald Kennedy Center for special warfare, approximately during the period of 1973 through 1981. I also served in Vietnam during the Vietnam campaign from 1969 through 1973 in Southeast Asian countries to include Thailand and Vietnam.

During the assignment which I had in Korea with the SFD-K from February 1982 through August 1984 one of my responsibilities included gathering of intelligence information concerning the location of American Prisoners of War in Southeast Asia. My initial objective was to renew contacts with individuals that I had contact with during my prior tour in Southeast Asia as well as to establish new sources of information that might lead to information that would either verify or exclude the existence of American Prisoners of War in Southeast Asia. My responsibility in my compartment was to assist in verifying or excluding the possibility of the existence of any Americans in Southeast Asia. At the direction of my commander and the United States Defense Intelligence Agency I traveled to Southeast Asia to establish an agent net on trips which used other operations as a cover. On the average I made these trips every 60 to 90 days and each trip lasted on the average of approximately 10 days. In approximately mid 1982 I began to receive information from a variety of sources which indicated the existence of live Americans in Southeast Asia. This information also suggested that these live Americans were being held against their will. I continued to gather more information and to compare information from various sources in order to provide corroboration for individual reports without cross fertilization.

I dealt with these sources personally and they ranged from drug smugglers, gold smugglers, to the highest level of a foreign military power. Based upon my dealings with these individuals I had no reason to doubt their honesty in these matters. They never asked me for money or payment in return for this information and after relaying the information to my superiors I was instructed by them to return and continue gathering information. In some cases I knew some of these sources for many years. In some cases as long as 10 years. In other cases the individuals would be honest with me in their feelings toward other agencies of our own United States Government such as the Defense Intelligence Agency, the Central Intelligence Agency, the Joint Casualty Resolution Center (JCRC) and the American Embassy in Bangkok in general. These sources with whom I was dealing told me that they did not trust the Defense Intelligence Agency nor the Central Intelligence Agency in matters relating to American Prisoners of War and Missing in Action. They also complained of corruption in the Refugee Program and the Joint Casualty Resolution Center in Bangkok.

I developed approximately 10 sources that I considered to be credible and reliable. These sources revealed to me that there were living Americans in Southeast Asia and that there were intelligence reports other than those they were giving to me which had all been discredited by the agencies mentioned above of the United States Government. These sources had agents in the field of their own who were reporting the general grid coordinates or locations of where American POW's where being held. I learned of approximately 200 living Americans in Laos who where prisoners of war through these sources. I was being provided information in detail sufficient to identify the number of American Prisoners of War being held in the general vicinity. I was also being told of the conditions under which they were being held.

This information was being relayed by me the entire period of time I was assigned to the SFD-K from February 1982 through August 1984. My continual instructions were as this information was being forwarded to "seek additional information". I was informed by my sources in 1983 that it was possible to extract or bring out living American Prisoners of War from Laos. This information was relayed through my military chain of command. My instructions were to continue to seek additional information which I did. It was continued throughout 1983. By January 1984 my sources told me they were going to bring out two American Prisoners of War in May of 1984. I informed them that I would go back to my chain of command and report this information and try to arrange for these Americans to be picked up and taken to the United States after they were brought out of Laos. My sources agreed and said they would await further instructions from me as their principal point of contact.

After returning to Korea to report this information I was personally debriefed by members of the 501st Military Intelligence Group. This information was reported to them at which time SFD-K was prevented from leaving the Republic of Korea or taking any future trips to Thailand. I was personally curtailed in my overseas tour in Korea and in August of 1984 I was sent back to the United States six months early.

Despite my being curtailed in Korea a pre-existing communications which I set up prior to leaving Thailand was utilized and I was informed on three separate occasions by my sources that additional information was available concerning living Americans in Southeast Asia. By this time I no longer knew who to report to or who to trust so I elected not to report this to any one with the exception of my former commander who had also been reassigned back to the United States after being curtailed in Korea.

I also took a file of information to three different organizations here in the United States after I returned back from Korea. This was done in an attempt to let some one know that this information about POWs existed and in an effort to get something done about the problem. The file of information consisted of intelligence reports, memorandums for record relating to living Americans in Southeast Asia. Intelligence reports were the ones which I generated from my sources which were being sent through my commander to Military Intelligence Channels and the Defense Intelligence Agency as far as I know. Prior to my early departure from Korea and after reporting that two living Americans could be extracted I was prevented from further contacts with my sources and my commander was told to destroy written intelligence reports which related to the information we had gathered concerning American POWs in Southeast Asia. Further more on my return to the United States, I was told that the intelligence reports which we had presented had in fact been destroyed. Because of this I tried to insure that these reports got to the proper agency of the United States Government.

Upon receiving no response from any of the agencies I had reported this matter to my Commander and I went to the United States Army Forces Command Inspector General who turned us over to the Department of the Army Inspector General in approximately of October 1984.

During the past 60 days I returned with my Commander to Southeast Asia in an effort to prevent these sources from drying up. While there I learned that there is more information available about living Americans in Southeast Asia and that there were two Americans in the hands of Laotian troops who were enroute to Thailand and I spoke with other individuals who were involved in the resupplying of a camp where 14 American Prisoners of War were kept. In July 1985 I was interviewed by the United States Defense Intelligence Agency in the Pentagon in Washington, D.C. and I relayed this information to them at that time. I have yet to be formally debriefed concerning any of the details of these matters.

The conclusion which I reach based upon my personal experiences in Southeast Asia and in intelligence gathering on the issue of living Americans in Southeast Asia is that no one in the United States Government that I have been able to talk to is interested with this subject. All information provided was summarily explained away or discredited by the Defense Intelligence Agency.

Sworn to and subscribed this 27 day of January, 1986.

MELVIN C. MCINTIRE

Witness:

____

WRITTEN TESTIMONY to U.S. Senate
Committee on Veterans Affairs, Senate Hearing on POWS/MIAS
in INDOCHINA "Laos"

MY NAME IS SCOTT T. BARNES,I was recruited in early 1981 to join a United States Government operation in which to rescue American POW's being held against their will in Laos. I was contacted by an employee of Hughes Aircraft, CALIF. who informed me that a fellow employee named James G. Grits (aka LT.COL. BO Grits) needed to seek my assistance in aranging a meeting with General Vang Pao former Commanding General of CIA, guriella forces in Laos during the Viet-Nam Conflict. Mr. Grits advised me that a special " ACTIVITY" unit needed to conduct a recon mission into laos, and either confirm or deny the sightings of live pows, and if so,then make a rescue mission. I was living in Hawaii when contacted and was asked by Mr. Grits to leave ASAP for the U.S. Embassy in Thailand,and confer with [illegible] other personnel on this mission.

I asked him for verification of this being an official mission, he gave me several names and phone numbers in the DOD,DIA,CIA in which I called and confirmed this to be an official but off the record mission, and that the members were asked to step out of active military service to conduct this mission, and that myself a civilian knowing Vang Pao was needed to accomplish this due to the current differences with the CIA,and Vang Pao.

Mr. Grits asked me prior to departing from hawaii if I knew of a courier that knew me personally that would pick up some documents to fly over to me to give to Lt.Col Mather,Robert Moberg, at the U.S. Embassy in Thailand, I did and a person flew them over to me. Then June 1981 I flew to Bangkok, Thailand went to the Embassy and had several meeting with the above named persons and several more, I delivered the package, and at the request of Embassy officials went to the Vietnamese Embassy nearby to pass on a message on live POW,s and to do it as a cicilian "Private Person" and report the response back. We then discussed 4 POW,s whom at that time I had never Heard of before.

Capt. Charles Shelton
Maj. Albro Lundy Jr.
PFC Robert Garwood
Comm. Ronald Dodge

(2)

I was informed that Robert Moberg was the Helicopter pilot, that was to fly the rescue chopper into laos, if the Recon team confirmed the POWS, however that Private Garwood was causing a problem stateside and could talk, getting people to beleive him and that could cause trouble, so he had to be discredited, and that it would be in the best interest of the United States that no LIVE POW's come back. After approx. 10 days in Thailand, and Cambodia I returned to the United States, and met with Mr. Grits for the first time in person and reported the meetings at the Embassy and that ever thing was a go, [illegible] that I was confused as to the statement of not want LIVE POW's back, he assured me it was a mistated comment. Mr. Gritz advised me that a General Aaron had requested him to retire from the Green Berets, to secretly conducted missons to verify POW's, and that it had to be done thru the "ACTIVITY" on a quasi-unofficial channels. Mr. Gritz then gave me a large sum of U.S. cash and said he would be in touch soon , and that the Hughes Connection was a cover on this mission. In early august 1981 Mr. Gritz again contacted me and said the "ACTIVITY" gave us the charter to give us the Green Light, Mr. Gritz then requested me to arrange a meeting with him and General Vang Pao, I was to convince Vang Pao that the CIA was not behind this because Vang Pao and the CIA, and his Agent Handler Daniel Arnold were at odds now.

I arranged several meeting between Gritz ,Vang Pao and several Laotain officers, Lt. Col Vang Bee, Col Yee and others. I was then asked to arrange a meeting between Vang Pao and Gritz in the Congressional Offices of the Chairman of the POW/MIA task force Congressman Robert K. . Dornan, in late august 1981 myself, General Vang Pao Mr. Gritz ,congressaional aide Stan Mullin and others met in Robert K. Dornans office and discussed the mission into laos and the area of the POW camp, everything was a go ahead and Mr. Gritz asked the Aide to arrange a meeting between himself, and congressman Dornan on a Sunday, which took place. Mr. Grits said the reason for the met in dornans office and for him to see dornan later in person was to use him as an additional cover if needed. Then in early Oct-1981 Mr. Gritz said it was time for me to met the team members and prepare for the mission. I then was taken to several safe houses and introduced to several Special Forces members and planned various details of the mission, in which we were to bring large quanties of special,communication equipment, special photo equipment, eletronic equipment and we were given code book, and a special U.S. government Telex # directly into Washington,D.C.

We all departed for thailand while Mr. Gritz was to stay behing and arrange the next

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Phase of the mission. Once in thailand we arranged for weapons,medicla supplies etc to be brought to our base Ban Phrang, and NKP, prior to myself and another member leaving for the base we had a visit from Col Mike Asiland from the U.S. Embassy (CIA) . I then along with another member left for NKP, then onto Nong kai to me Col Soubaun, The other member then went back to NKP to await the other members while i was to wait in Ban Phrang for the contact, while their an American Named Mike J. Baldwin showed up and said that we are ready to go into laos and photo the camp we departed along with approx. 30 indigeous forces of Vang Pao approx a two day trip into laos we came up a Guarded Camp, after securing the area we began to monitor the camp, take photo when suddenly two white older,skinny men walked inside the camp with armed guards, Mr. Baldwin stated " o my god we did leave some behing" we listened to the electronic devices and took photos. Returned to thailand and Mr. Baldwin said report to NKP that it is confirmed and I go the the Embassy and get them advised, he told me to mail several rools of film that we took to the CIA, handler in Virginna. Upon returning to the base and meeting the other members they were angery and that a secret message came in that if the Merchandise is confirmed then to liqudate, I asked what that meant, and the Communications man said first that mo Grits was fired and no longer the commander and tha t Mike Aisland was in charge and the messa e, meant to kill these two POW, I started to get upand refuse when i was struck in the head an face area and told that a green beret was to take me to the U.S. Embassy for a debriefing.

I left the country and returned to America, Later to be Questioned by the Secret Service and FBI, DIA. I was later requested by an ABC news person Ted Koppel to take a Polygraph and a Psychiatrist exam, I agreed and Retired Military officer and Former CIA Agent Dr. Chris Gugas gave me approx. 5 or 6 polygraph tests on the above and more facts of the mission and I passed, then Dr. Hacker conducted my Psychiatrist exam, and again I passed. Then recently Iwas asked to undergo a "truth Serum" Sodium Amothal test which i agred and passed. I also recently filed Sworn affadivit with the U.S. federal court in Fayetville, N.C. on the Smith/McIntyre suit.

I have been called by the Dia, General Shoulfelt, to cume to Washington,D.C. and have a cup of coffee and discuss this mission when I went their, he cancelled said he was to busy. I have so been threated by several persons on not to say anthing on this issue, in addition DIA agents in [illegible], and U.S. Customs agents in [illegible] also discussed the fact if I talk [illegible] be arrested for Violation of the Neutrality Act.

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hope that this brief and to the pointstatement is acceptable, their is so very much more at happened and involved it would take many hours and hundreds of pages, and some of the facts might be secret, I can name names, dates, times ,places, and will bring all the material I still have that has not been confiscated. I will be able to tell you much more inperson next week.

I can state that I was a member of operation Grand Eagle 1981 and observed two U.S. Pows in Laos.

Signed

Scott T Barnes

Prepared Statement of Mrs. Ruth Brellenthin, wife of Cpl Michael Brellenthin, USMC, Missing in Action, South Vietnam, Feb. 25,1968

Mr. Chairman, members of the Sub-Committee, I would like to thank you for the opportunity to testify here today.

My involvement in the Prisoner of War - Missing in Action issue began on February 25, 1968 when I received official notification that my husband was Missing in Action during the siege at Khe Sahn, South Vietnam. During the next three months I received several telegrams from the Marine Corps which indicated the possibility of his being captured. The last telegram (dated:Apr. 5,1968) stated, "...search operations were discontinued. All results were negative.". The next communication I received was August 15,1968, when he was reclassified as Killed in Action-Body Recovered. I was concerned at that time because all my questions pertaining to how they came to that conclusion were evaded. I should add that they were not even able to determine the number of bodies recovered. Their claim was that 9 men were returned in 4 caskets. While I was skeptical of this information, I never spoke out as I did not want to appear as a wife who was unable to accept her husband's death.

I kept my feelings to myself until "Operation Homecoming" in 1973. One of the first men released was that of a dead Marine who turned up as an unknown POW. This dead Marine was Sgt Ronald Ridgeway. Sgt. Ridgeway was one of the Marines killed with my husband. Just imagine how I felt! I found myself waiting as each returnee's name was read off, waiting to hear my husbands name. After the last name from the last group was announced, I contacted the Marine Corps. I needed to speak to Sgt. Ridgeway concerning my husband's fate. I was given various reasons why this was not possible, reasons such as, he was being debriefed, and the privacy act. No one informed me that Sgt. Ridgeway held a press conference on April 9, 1973 in California. The Marine Corp never told me if Sgt. Ridgeway had any information about my husband. It took me until September 1978 to finally contact him. Sgt. Ridgeway was unable to tell me whether my husband was dead or alive. Also in 1978, I received a letter (dated: August 15), by direction of the Commandant of the Marine Corps, now stating there was only a reasonable probability that my husband was among the unidentified remains.

In 1981, through the Freedom of Information Act, I received my husband's case file. It was at this time that I found one discrepancy after another.

The first was the actual number of men who were missing from this incident. The numbers range from 17 to 27.

In another document, dated July 29, 1968, Dover AFB made an inquiry to the US Mortuary Service in Da Nang, regarding whether or not remains at Dover represented the total unidentified remains from this patrol.

From all I have read in these documents, the government did not know how many remains they had, let alone who they belonged to.

A written correspondence between the Commanding General, 3rd Marine Div, to the Secretary of the Navy, dated September 7, 1968; stated, all ID attempts were complete with negative results on August 15, 1968 regarding my husband.

While researching the fifteen volumes of uncorrelated information relating to Americans missing in SE Asia, I found a live sighting report which I believe relates to my husbands case. The source of this report stated that in late February, 1968, he had observed 20-30 American Prisoners being escorted by North Vietnamese troops on a jungle trail. The sources observed several Prisoners wearing Marine Corp type fatigue caps. The source was unable to provide any identifications regarding these Prisoners, but said he was told by the guard's commanding officer that they were US Marines captured near the Khe Sahn outpost.

I have been unable to find a reference anywhere listing any other Marines missing during this time frame. According to the interrogator, this source was considered knowledgeable and had supplied several reliable reports in the past.

Last July, the Marine Corps admitted they errored in reclassifing my husband as KIA-Body Recovered. Yet, to date they have not changed his status.

I feel that even with the little bit of information I've provided here, a question arises concerning my husband's actual status. This is not all the information I have, nor is this a unique case.

Mr. Chairman, my husband's name continues to be kept off the list of missing men. Because of this, US Government agencies charged with resolving this tragic issue, will not provide a case file asking the Vietnamese for help in resolving this case. It was not until this month, with the assistance of Congressman Mike Bilirakis, that the Vietnamese received information on my husband.

Mr. Chairman, again I wish to thank you and this Sub-Committee for allowing me to testify. I believe my case, along with the others, will convince you there is something tragically wrong. It will take your direct involvement to right these wrongs.

This concludes my statement. At this time I would be happy to answer any questions you may have .

Class of Service
This is a fast message unless its deferred character is indicated by the proper symbol.

WESTERN UNION
TELEGRAM

W. P. MARSHALL
Chairman of the Board

R. W. McFALL
President

SYMBOLS
DL = Day Letter
NL = Night Letter
LT = International Letter Telegram

The filing time shown in the date line on domestic telegrams is LOCAL TIME at point of origin. Time of receipt is LOCAL TIME at point of destination

NOTE DATES ON TH[illegible] TELE

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MRS RUTH M BRELLENTHIN, DONT PHONE
66 VAN BUREN AVE METUCHEN NJER

IT IS WITH SINCERE REGRET THAT I INFORM YOU THAT YOUR HUSBAND PRIVATE FIRST CLASS MICHAEL J. BRELLENTHIN USMC CONTINUES TO BE MISSING IN ACTIONN. A REPORT FROM VIETNAM REVEALS THAT SEARCH OPERATIONS WERE DISCONTINUED. ALL RESULTS WERE NEGATIVE. A WRITTEN REPORT CONTAINING ALL KNOWN FACTS RELATED TO YOUR HUSBAN'S STATUS IS BEING FORWARDED TO THIS HEADQUARTERS. UPON RECEIPT OF THAT REPORT, YOU WILL BE PROVIDED MORE COMPLETE DEDAILS REGARDING THE CIRCUMSTANCES SURROUNDING HIS DISAPPEARANCE. I WISH TO ASSURE YOU OF ALL POSSIBLE ASSISTANCE FROM THE MARINE CORPS DURING THE ENTIRD PERIOD THAT YOUR HUSBAND IS LISTED MISSING IN ACTION LEONARD F CHAPMAN USMC COMMANDANT MARINE CORPS

DEPARTMENT OF DEFENSE INTELLIGENCE INFORMATION REPORT B664

[illegible]

CLASSIFICATION AND CONTROL MARKINGS

[illegible]

1. COUNTRY: LAOS

2. SUBJECT: Observation of US PWs

3. IOC NUMBER: 723.600

4. DATE OF INFORMATION: Late February 1968

5. PLACE AND DATE OF ACQ: NCIC, SAIGON
19 May 1969

6. EVALUATION: SOURCE 7 INFORMATION 6

7. SOURCE: Returnee

CMIC No C-2131

8. REPORT NUMBER: 1516-0724-69
(5800-05)

9. DATE OF REPORT: 20 June 1969

1 578

10. NO. OF PAGES: 1

11. REFERENCES: DIRM 6C, 6C1
SICR: D-7CX-20000

12. ORIGINATOR: Hq 6499th Special Activities Group

13. PREPARED BY: JAMES E. STURGIS, 1Lt, USAF
Det 6, 6499th Sp Acty Gp

14. APPROVING AUTHORITY: Owen L. Opdahl Lt Col
for WILLIAM HAMILEN
Colonel, USAF

15. SUMMARY: ( ) This report provides limited information on the observation of 20 to 30 (exact number unknown) US PWs and 130 ARVN PWs in Laos in February 1968. The US PWs were allegedly marines from the area of "LANG CAT" Village (exact location unknown), near Khe Sanh Outpost in Quang Tri Province, RVN.

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BACKGROUND INFORMATION:

(Leave Blank)

[illegible]

16. DISTRIBUTION BY ORIGINATOR:
PACAF (DIT,DIE), CINCPAC, CINCPACFLT, USARPAC

17. DOWNGRADING DATA:

3 046

18. ATTACHMENT DATA:
None

DD FORM 1396

[illegible]

CONTINUATION SHEET	(Classification and Control Markings)	REPORT NO. 1516-0724-69 PAGE 2 OF 3 PAGES ORIGINATOR Hq 6499th Special Activities Group

(Leave Blank)

OBSERVATION OF US AND ARVN PWS IN LAOS:

4. ( ) Circumstances of Knowledgeability: In late February 1968, Source was infiltrating with the At approx 1200 hours on an unknown date, Source's unit, while traveling south on a jungle trail, passed several groups of US and ARVN PWs being escorted in the opposite direction. Source was uncertain of his exact location, but thought he was in Laos, near the Quang Tri and Thua Thien Province border.

5. (Observation of the PWs. As Source walked south, approx 12 groups of PWs passed by at approx three minute intervals. As they passed, the

(Classification and Control Markings)

DD FORM 1396c

REPLACES DD FORM 1396-1, 1 AUG 60 AND DA FORM 830, 1 AUG 60 WHICH MAY BE USED UNTIL 1 JAN 63.

CONTINUATION SHEET

(Classification and Control Markings)

REPORT NO. 1516-0724-69
PAGE 3 OF 3 PAGES
ORIGINATOR Hq 6499th Special Activities Group

distance between Source and the PWs varied between three and ten meters. Each group of PWs had between 10 and 20 men, of which two or three men were Americans; the rest were ARVN. There was a total of 20 to 30 US PWs and approx 130 ARVN PWs. Each group marched in single file, with a guard in the lead, and the PWs following. The rear of each column was guarded by two or three men armed with AK-47 rifles. All the guards wore standard NVA uniforms All the PWs looked sad and dejected. He did not observe any conversation between the PWs, none of whom was bound. Several hours after the sighting, when Source's unit stopped for a rest, he was told by his commanding officer that the US PWs were Marines who had been captured at "LANG CAY" Village (exact location unknown), near KHE SANH Outpost in Quang Tri Province, RVN.

6. ( ) Description of the US PWs. Due to the large number of PWs and the comparatively short time of observation, Source was unable to provide a detailed description of any of the PWs; however, the majority of the US PWs wore standard jungle fatigues. A few (Source was unable to estimate an exact number) wore only the fatigue trousers. Several (number unknown) were without boots. Those who did have footwear wore the standard jungle combat boots. Source observed several of the PWs wearing "strange caps". He described this cap as olive drab in color and made of cloth (ED: Caps described resemble the USMC fatigue cap). Source also observed two US PWs being carried on stretchers by fellow prisoners. These two appeared to have leg wounds. Both of the wounded men were conscious at the time of observation. Source noted no patches or other identifing features on the uniforms of any of the PWs.

7. (Description of the ARVN PWs. The ARVN PWs wore a wide variety of clothing. Source noted olive drab and camouflage fatigues, T-shirts, and white undershorts, as the most frequent types of clothing worn by the PWs. Source could not recall the headgear of the ARVN PWs, or any unit insignias on their garments. Most of the ARVN PWs were barefoot, but a few wore black sneakers. Source did not recall observing any wounded ARVN PWs. Source had no further information concerning the PWs sighted.

COMMENTS OF THE COLLECTOR:

8. (There was a marked improvement in Source's cooperation as the interrogation progressed. At first he was bored, and reluctant to answer questions. An effort to establish rapport with Source, through personal questions, and discussions on non-pertinent subjects brought about an improvement in his attitude and level of cooperation. Once rapport had been established, he answered questions thoughtfully and deliberately.

9. ( ) The information in this report partially satisfies SICR D-7CX-20000. Collection action against Source on this SICR is terminated.

10. (Previously published reports on Source are: 37mm AAA Telescopic Sighting Device (IR 6029-3983-68); Infiltration Routes of the 3d Bn, 36th Regt, 308th NVA Div (IR 6029-3937-68); Activities of the 285th Regt, and Locations of SAM and AAA Sites (IR 6029-3977-68); Airstrikes on SAM Sites (IR 1516-0251-69); Bomb Damage Assessment on the UONG BI Thermal Power Plant (IR 1516-0686-69); Effects of Bombing (IR 1516-0708-69; The Electric Power Distribution System of NVN (IR 1516-0672-69).

11. Source is also knowledgeable on: Internal Disputes between the NVNAF and the SAM Service. Report will follow.

3 048

(Classification and Control Markings)

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FM CG THIRD MAR DIV
TO RUEHAAA/SECNAV
INFO RUEBHCA/CMC
RUMMAFA/III MAF POSTAL DIRECTORY
RUEDDOA/DIR FIRST MCD
RUEOJAA/DIR FOURTH MCD
RUCIFMA/DIR NINTH MCD
RUCLFVA/DIR EIGHTH MCD
RUMLDMA/USA MORTUARY DANANG
RUMSMVA/COMUSMACV
RUMTDTA/MCFE KSC
RUEGEOA/FHTIC GLAKES
RUMLXPA/CG FLC
RUMUFGA/COMSEVENTH FLT
RUEPDJA/COM ONE
RUEDEOA/COM NINE
RUEOFRA/COM EIGHT
RUMMAFA/CG III MAF
RUEOHHA/COM FOUR

PAGE TWO RUMHVP 06130 UNCLAS E F T O (FOUO)
RUEDOOA/COM THREE
RUEBJIA/BUMED
RUAHGL/CAMP BUTLER
RUMGSR/THIRD FSJ
RUMMFMA/CG FMFPAC (DUNS)
RUWJDFA/CG MCB CAMPEN
RUMHLA/TWENTY SIXTH MAR
ZEN/FIRST BN TWENTY SIXTH MAR
BT
UNCLAS E F T O (FOR OFFICIAL USE ONLY)
CG III MAF(FORCE SURGEON) CG MCB CAMPEN(PER EFF & BAG CTR)
MOD TO RPT MISSING IN ACTION CASE OF PER MIA 25FEB68 VICINITY
OF KHE SANH.
A. CMC 041246Z SEP68 (NOTAL) —DNA
B. CMC 162131Z AUG68 (NOTAL)
C. ADMINO FMFPAC 010647Z SEP68 (NOTAL)
D. CG THIRD MARDIV 051641Z MAR68 LCPL FREDRICK A. BILLINGHAM JR
2274502 USMC
E. CG THIRD MARDIV 051239Z MAR68 PFC MICHAEL J. BRELLENTHIN 2355363 US

070151

F. CG THIRD MARDIV 051635Z MAR68 PFC JAMES R. BRUDER 2374658 USMC

PAGE THREE RUMHVP 06130 UNCLAS E F T O (FOUO)
G. CG THIRD MARDIV 051215Z MAR68 LCPL JERRY L. DODSON 2225054 USMC
H. CG THIRD MARDIV 051619Z MAR68 LCPL BRUCE E. JONES 2249963SUSMC
I. CG THIRD MARDIV 061513Z MAR68 PFC RONALD L. RIDGEWAY 2344980 USMC
J. CG THIRD MARDIV 051607Z MAR68 PFC DAVID C. SCARBROUGH 2291001 USMC
1. IAW REF A THRU C THE RPT LISTED IN REF D THRU J. ARE MOD TO READ AS
FOL:
A. PAR 1.C TO READ: DEAD (KIA)
B. PAR 1.E TO READ: ID ATTEMPTS COMPL WITH NEGAT RESULTS ON
15AUG68. ALL REMAINS TO BE PART OF GROUP INTERMENT.
2. FOR FIRST BN TWENTY SIXTH MAR:
A. IMMED FWD SR THIS MA IF NOT PREV FWD.
B. INSURE PER EFF FWD IMMED.
BT

NNNN

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
WASHINGTON, D.C. 20380

(713) 495-2661
picture

IN REPLY REFER TO
MSPA-1-4-sjb
3040

15 AUG 1978

Mrs. Ruth M. Brellenthin
5271 Roosevelt Boulevard
Clearwater, Florida 33516

Dear Mrs. Brellenthin:

This is in further response to your recent letter concerning your late husband, Corporal Michael J. BRELLENTHIN, U. S. Marine Corps.

I sincerely hope the information contained herein will alleviate your anxieties concerning Mike's fate and I apologize for the delay in responding to your letter. Your patience and understanding is greatly appreciated. A thorough review has been conducted of all Government records pertaining to the tragic event in which Mike was lost. Such inquiries are necessarily time consuming.

19 MISSING MARINES - 5/9/68 6 IDENTIFIED
6/19/68 - 10 IDENTIF.

As you probably know, twenty-seven men were lost in the February 25, 1968, enemy engagement near Khe Sahn Combat Base, 1 Vietnam. Weapons fire from the opposing force was particularly intense and excepting those who were able to withdraw from the conflict, survival was considered highly improbable.

The remians of our dead Marines could not be recovered immediately due to the very significant enemy presence in the area. As you know, the remains were eventually recovered and ten of nineteen missing Marines were positively identified. Identification, however, was very difficult due to decomposition and the remains unfortunate subjection to frequent harrassing and interdicting artillery and aerial bombardments aimed at the enemy force in the area. Accordingly, morticians were unable to positively identify the remaining nine Marines due to the foregoing and the lack of identification media (remains) and their comingled state.

As you know, Mike was determined to be among the nine unidentified. The determination was based upon the knowledge that Mike participated in the aforementioned engagement; he was not among the immediate survivors, nor was there information forthcoming indicating he survived or was captured by the enemy. Based upon the foregoing and the reasonable probability that Mike was among the unidentified human remains, his status was changed from missing to deceased.

8/15/68 - 9 COULD NOT BE INDIVIDUALLY IDENT.

MSPA-1-4-sjb
3040

Sergeant Ronald L. Ridgeway was also declared dead based upon the facts outlined above. After reading his enclosed account of the engagement and his capture, I think you will agree that his survival is most unusual. In addition to the enclosure, I have reviewed all records pertaining to Sergeant Ridgeway's capture and imprisonment, and no mention is made of any other survivors. Additionally, I recently conversed with Sergeant Ridgeway and he confirmed the above. In this regard, he has graciously consented to communicate with you further if you desire. His address is: 6202 Weststar Lane, Houston, Texas 77072.

7/3 -

Mike's health and dental records maintained by his unit in Vietnam could not be found. They were reportedly destroyed by fire caused by enemy rocket bombardments of the Khe Sahn Combat Base. A health record containing limited dental information was on file with the Department of the Navy in Washington, D. C. and it was sent to Vietnam to aid in the identification process.

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Mrs. Brellenthin, I trust the information provided herein is satisfactory for your purposes and that your peace of mind is restored. It has been my pleasure to serve you in this matter.

Sincerely,

MJ Marshall
M. J. MARSHALL
Major, U. S. Marine Corps
Head, Casualty Section
By direction of the Commandant of the Marine Corps

Encl:
(1) Copy Ronald Ridgeway Press Conference

Saunders
Baptiste } seen dead.

JONES - PARENTS

1st squad in the rear
Michael

Prepared Statement of Mr. Robert A. Cressman, Board Chairman,National Forget-Me-Not Association for POW-MIAs Inc.

Mr. Chairman, members of this Committee, I wish to thank you for allowing me to testify regarding the efforts of the National Forget-Me-Not Association in resolving the POW-MIA crisis.

The Association was incorporated in mid-1981 and has grown to become the largest such organization in the country. Just under 10,000 concerned citizens have joined our ranks. We believe there are indeed live American POWs being held in Indochina. All our activities are conducted on that assumption.

One of the areas in which we operate is the collection of information which would prove, or disprove, the existence of these men. It is this aspect which brings me here today. I will try to be as informative as possible in open session while discussing this particular case. I will also be more than willing to provide specific information in closed session should you feel the need.

This case involves the location and identification of a live American POW in early 1985. It was brought to our attention through Laotian resistance contacts with whom we have worked in the past.

In March, 1985, I and another association member traveled to Bangkok, Thailand at the request of the resistance leader. During our first meeting with this man, we were provided with a letter reportedly dictated by an American POW. This individual was reportedly held with several other un-named American prisoners. The information listed on the letter identified this man as (Sgt John Smith) (see enclosure 1). A check was made to determine if this name was indeed listed as missing in action. The name did appear as an individual classified as missing in action in June, 1972. We then had a subsequent meeting with the resistance. We were provided with one photograph and a xerox copy of a second photograph of this alleged American POW (enclosure 2&3). We were told the circumstances of his captivity and how the picture was obtained (details gladly provided in closed session). Of interest here is the fact that at no time during these meetings (or since) has any request for money, reward, or any other remuneration been made.

On April 2, as we prepared to depart Thailand, the Lao who appears in the photo with the alleged American was brought to the Bangkok Airport to meet with us to demonstrate the timeliness of the photograph. After a short discussion in which he verified what we were told were the circumstances of the photo session, we returned to the United States.

On April 5th, I made personal contact with (Mrs.Smith) at her home in Florida. After briefing her on the information we had obtained, she was shown the photograph and the xerox copy. After several minutes of study, she indicated to me that she felt sure it was indeed her husband (Sgt. Smith). I would like to add that no attempt was made to influence her opinion regarding identity. After her positive response, I asked what her preference was regarding action to be taken. I provided two options. The first was, I would provide all the information I currently had to the Defense Intelligence Agency. And the second option, that I would re-contact the resistance and instruct them to follow through with a pre-determined plan to obtain the return of (Sgt. Smith). This operation centered on the defection of several cadre involved in (Sgt. Smith's) captivity. (Mrs. Smith) stated that she was very apprehensive about the Governments actions regarding this issue and opted for the second option. I informed (Mrs. Smith) that DIA would be coming into possession of this information and the photographs from another source. Further, that if she wished us to proceed via the resistance, she would not be able to make a positive identification to DIA. This requirement was due to several prior problems we have had with DIA in other matters relating to the POW-MIA issue. (Mrs. Smith) agreed. I obtained a family photo of (Sgt. Smith) and several handwriting samples for comparison. Soon thereafter, I re-contacted the resistance and informed them of the positive identification and gave the go-ahead for their operation.

(Mrs.Smith) and I remained in close contact. On April 12th, she informed me that JCRC (Joint Casualty Resolution Center) personnel had called her the evening before and informed her they had come into possession of the information I provided on the 5th. I received another call from (Mrs. Smith) approximately 30 days later. during this call she explained that a US Government representative had finally arrived and showed her the photographs. Pursuant to our agreement, she failed to make a positive identification.

On May 31, 1985, I made contact with the resistance concerning the delay in their operational timetable. I was informed several factors had occurred which, according to the contact, delayed any results (ie: weather, Vietnamese & Lao troop movements, etc.). This information was passed immediately to (Mrs. Smith). During this call, she informed me that an unknown representative from Randolph AFB called her May 30, 1985 and informed her the DIA photo was given to the FBI for comparison. The FBI concluded there was no match with a known photo of (Sgt. Smith). A comparison done for this association the first week in June by an expert at the University of South Florida (letter of results as enclosure 4) determined that no comparison was possible because the photo did not have enough resolution to sufficiently and clearly allow any analysis (emphasis added).

Intermittent contact was maintained with the resistance regarding the status of (Sgt. Smith) or their operation. They were unable to provide any information and said the "teams" were still out.

On August 3, contact was again made. I was informed that the teams had finally arrived at the target location. I was also informed the (Sgt. Smith) and the other un-named American POWs had been moved from (name deleted) to (name deleted). This new camp was reportedly a "secure" camp which offered little, if any, chance for a successful recovery of (Sgt. Smith). This information was relayed to (Mrs.Smith). It was decided to wait until things settled down before attempting any further action.

The next break came on November 9th. I received a set of latent fingerprints, alleged to be those of (Sgt. Smith) from a confidential source (which may not be further identified). I also obtained a copy of the alleged latentson November 10th from Col. Jack Bailey, President of Operation Rescue. Both these sets of latents were identical copies of each other. However, my sources had totally different persons provide them with these copies.

On November 14th, the latent prints were compared by a fingerprint expert with the known prints of (Sgt. Smith). There was no similarity between the knowns and the latents.

Obviously I was somewhat let down by the results. Between November 14 and November 26, I had discussed the mis-match in a phone conversation. The gist of that conversation was that although the prints did not match, there was the possibility these latents might belong to another of the prisoners reportedly held with (Sgt. Smith) and the names may have been confused. I mention this because when I contacted my brother, a deputy sheriff who lives alone and had the prints in his custody, they had disappeared from his home.

While I make no accusations, it did remind me of an instance in 1982. At that time I had been given a set of fingerprints of an alleged American POW. These prints were given to me by Col. Earl Hopper, then Chairman of the National League of Families. He had previously provided them to DIA for analysis. DIA informed him that they were of absolutely no value, that they could not even be classified. Having spent approximately 13 years in law enforcement, and while not an expert, I was familiar with fingerprints. I had no idea who they might belong to, but realized they contained enough "points" for classification and eventual identification. I told Col. Hopper I would have them checked by an expert. I did and was informed that they were indeed classifiable and could be matched should we obtain a known set of fingerprints for comparison. I so informed Col. Hopper, made a photographed copy of the latents and mailed the originals back to the Col. Several months later, Col. Hopper called and stated he was unable to locate them. I stated I would make another copy and forward them. Upon checking, I found the copy I had put away was also missing.

Mr. Chairman, I realize they're are some who will voice strong objections regarding our involvement in the (Smith) case. I must say in all honesty, I probably agree. However, because of the treatment this association has received from agencies of the US Government, we were left few options. A quote from a January 21, 1984 letter from Mr. Richard Armitage, Assistant Secretary of Defense to Mrs. Ann Griffiths, Executive Director of the League of Families, regarding their very close working relationship, best sums it up. Mr. Armitage said, " If the League wishes to terminate the cooperative relationship which has thus far been successful, that is, of course, their decision to make; however, it would seem to me that the League is then in the same position as other POW/MIA groups."

Because we have taken a position which questions, we are considered "in the same position as other POW/MIA groups." In the past, we provided DIA with information we received on this issue. For our efforts we were maligned. We have, in the past, pointed out what we perceived as major problems developing in the resolution of this issue. We were ignored.

The problems in this case are obvious. We have a photograph of an alleged living American POW. His wife of seventeen years says, "Oh my God, that's (husband's name). The head of a "private Sector" organization and brother of an MIA, with limited resources, manages to locate his wife two days after returning from Thailand with a photograph proported to be her missing husband. Regardless of her response, it takes representatives of the US Government almost 30 days to make a persoanl visit and show her the photograph. DIA claims the FBI examined the photograph and found there was no match. An independent expert examines the photograph and determines no determination of identity can be made.

I am personally convinced that (Sgt. Smith) is currently alive and held against his will in SE Asia. Our association will continue in that vane with a positive, vicious, determination until this question is resolved.

Quite frankly, we did not feel. in view of past experiences,that providing this information to DIA would best serve America's living heroes' Until Congress wrenches this issue from those who have held it at bay for so long and, through the President, puts it in the hands of an independent commission, America's prisoners of war will continue to be doled out as remains by the ruthless communist regimes of S.E. Asia. Politics, Mr. Chairman, has no place in the phrase, "With Liberty and Justice for ALL'"

I again thank this Committee for the opportunity of speaking here today. At this time I will be happy to answer any questions.

This is the affidavitt of the
former wife of Sgt. Mercer.
It is included in the Smith/
McIntire vs the President et al
case

CUMBERLAND COUNT)
NORTH CAROLINA)

AFFIDAVIT OF SANDRA E. MILLMAN

NOW COMES, SANDRA E. MILLMAN, first being duly sworn, deposes and says:

My full name is SANDRA E. MILLMAN. I presently reside in Florida. I was formerly married to an American servicemember who served in the Armed Forces of the United States. In June, 1972, my former husband was shot down over South Vietnam. At the time he was an E-7 in the United States Air Force and was AN [illegible] ~~the~~ aerial gunner of the AC-130 when it went down. Three members of the crew were rescued near the site. Initially, the government reported to me that my husband was MIA. By June of 1972, I had been married to my former husband nearly seventeen years. We had three children and we were very close as a family. When we married my husband was nineteen and I was sixteen.

On 15 June, 1973, my husband's status was changed from MIA to KIA by the United States Government, and I had no reason to dispute this. I did not want him declared KIA that soon. From then until just recently, I received no further information from the United States Government about my former husband's case. Prior to Christmas of 1984, I did receive one dog tag from the Air Force, without any explanation about where the dog tag came from. In April, 1985, a man who I had never heard of before came to my home and asked me if I was Mrs. ______________. He explained that he had information about my former husband. He took out three photos of what was identified to me as a possible American POW. He asked me to see if they could possibly be photos of my former husband. We talked for two to three hours. He did not attempt to influence me one way or the other. We looked at the photos and I attempted to make comparisons

AFFIDAVIT OF SANDRA E. MILLMAN
PAGE TWO

with other photos I had of my former husband, as well as my own memory. I felt at the time that there was a strong resemblance between the caucasian in the photograph and my former husband. When I was shown the photograph of the caucasian which I have now marked with my initials and today's date and number "1", I said "Oh my God, this is ______________" (I have deleted my former husband's name from this affidavit intentionally.).

Approximately four days later, I was called from Randolph Air Force Base. I learned that the government had photos in their possession and a letter allegedly dictated by my former husband. A month later they came to my home with the photographs which I have marked with today's date, my initials, and the numbers "1", "2", and "3", and the letter. I was told by one of these men that the photos had no resemblance to my former husband, but the second man (Atkinson) agreed with me that there were strong resemblances. This meeting lasted approximately two hours at most.

I repeatedly asked the United States Air Force how I could contact the sources of all of this information about my former husband. I specifically asked how I could reach Colonel (Retired) Jack Bailey who I understood was helping on this case. I was discouraged from contacting anyone outside official government channels.

By July, 1985, I began receiving messages from the United States Air Force regarding reports that my former husband was alive as a POW in Laos. I also received, through former Congressman John LeBoutillier, one of my former husband's dog tags and his Armed Forces Identification Card with his photograph and signature clearly identifiable. All of the information on these items is correct.

EXHIBIT 19, P. 2 of 3

AFFIDAVIT OF SANDRA E. MILLMAN
PAGE THREE

At no time did the Air Force inform me that my husband was a "Category II" - according to D.I.A. I am now aware that "Category II" is the second highest reliability category. These categories range from one of "confirmed knowledge by the enemy" to one in which "the enemy has no knowledge".

Based upon all of the information and evidence I have received, as well as the reaction of my government, I have formed the opinion that my former husband, who until recently I believed to be KIA, is still alive as an American POW.

This 13th day of October, 1985.

Sandra E. Millman
SANDRA E. MILLMAN

Sworn and subscribed to, before me,
this 19th day of October, 1985

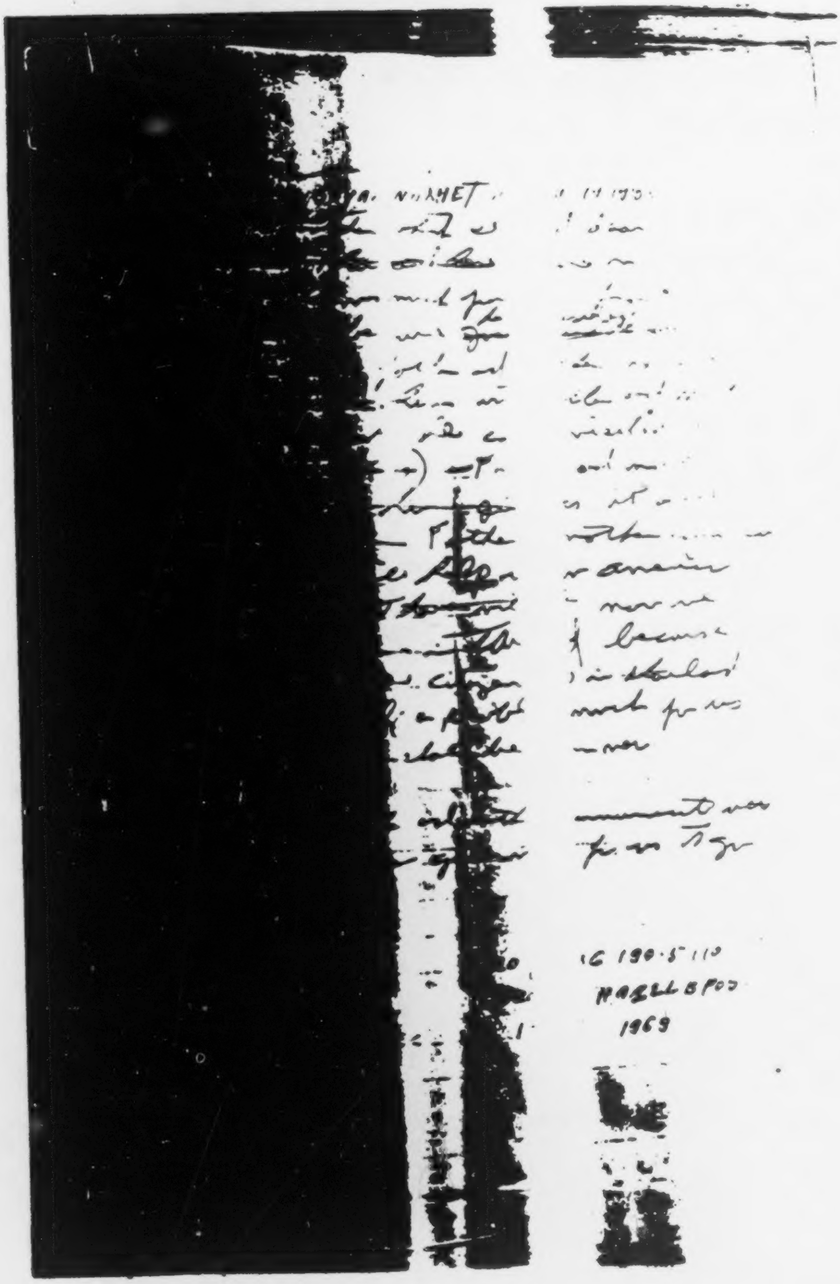
Charles G. Boltwood
NOTARY PUBLIC

My Commission Expires: 4/6/87

Charles G. Boltwood, Jr.

Enclosure
the letter provided by
resistance which identified
the alleged American as
[redacted]

[redacted] [redacted]



[illegible]

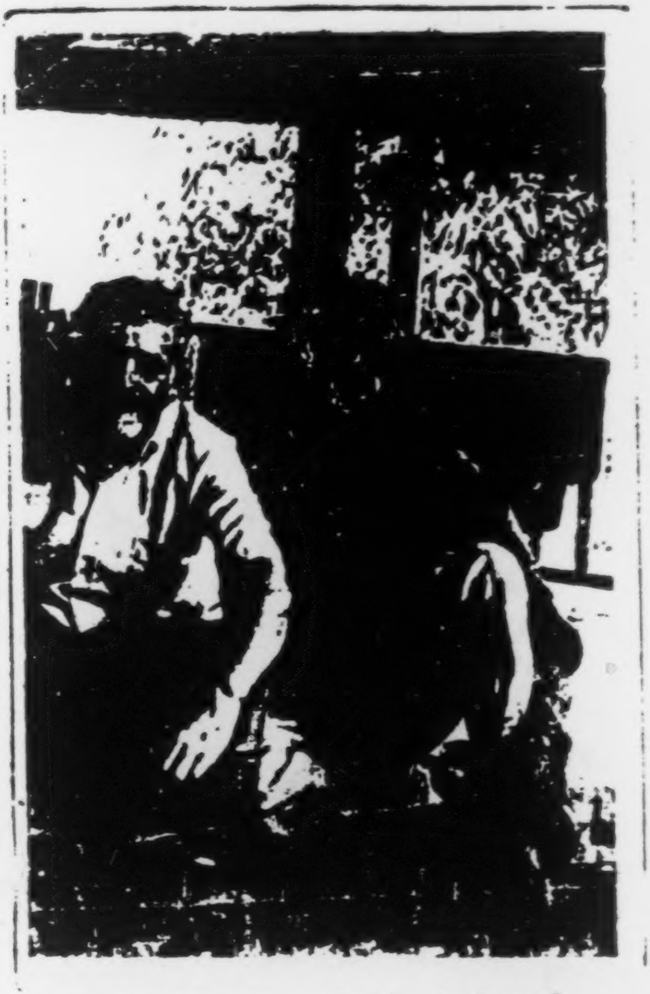
because

[illegible]

1C 190-5-110
NAELLBFOD
1969

Enclosure 2

copy of photograph identified as one of [redacted] as a Lao resistance fighter



Xerox copy of 2d photo of
person alleged to be [redacted]

Enclosure 3

copy of the xerox copy of
individual identified as
[redacted] POW

UNIVERSITY OF SOUTH FLORIDA
TAMPA • ST. PETERSBURG • FORT MYERS • SARASOTA

COLLEGE OF SOCIAL AND BEHAVIORAL SCIENCES
DEPARTMENT OF ANTHROPOLOGY
TAMPA, FLORIDA 33620

813 974 2150 2209 3231

RECEIVED
6-5-85

Mr. Robert Alan Cressman
8528 Jacaranda Avenue
Seminole FL 33540

Dear Mr. Cressman:

This is to inform you that, the photos shown me do not have enough resolution to sufficiently and clearly allow any analysis which would yield an estimate of probability with respect to whether the two individuals are the same.

Sincerely,

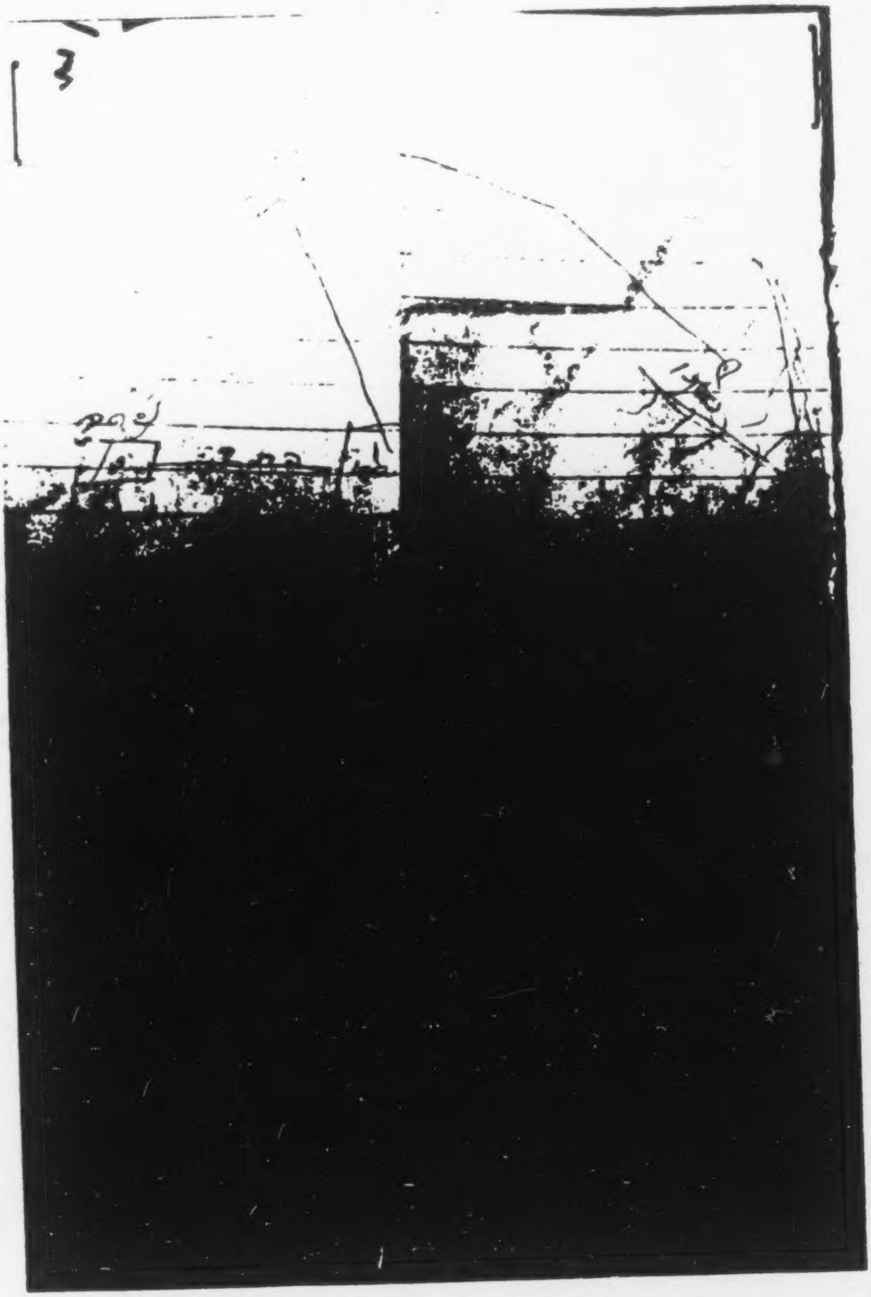
Curtis W. Wienker

Curtis W. Wienker, Ph.D.
Associate Professor
Director of Graduate Studies

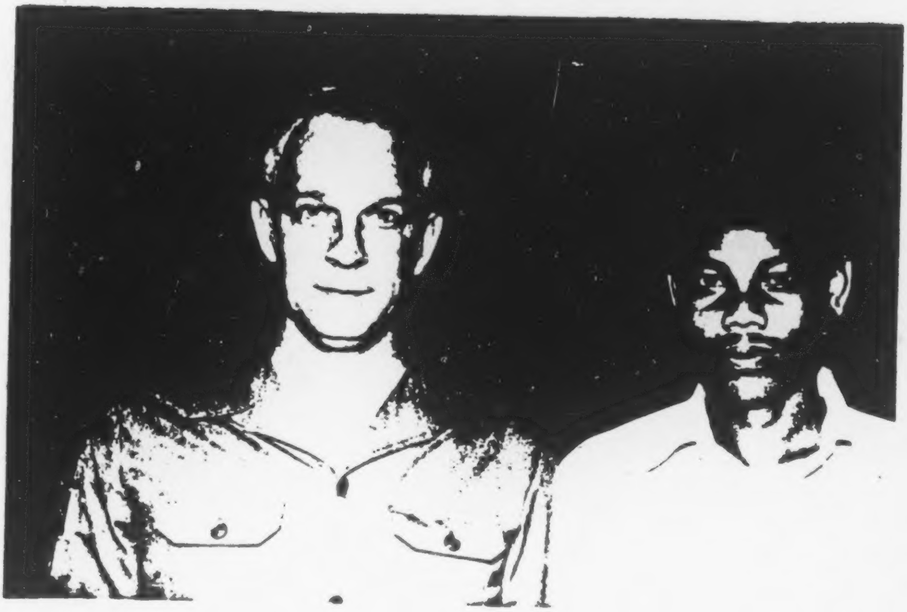
enclosure 4

THE UNIVERSITY IS AN AFFIRMATIVE ACTION EQUAL OPPORTUNITY INSTITUTION

Sketch of camp (PW) area and surrounding villages where the subject [redacted] is held



photograph of Robert Cressman
and the Lao resistance man
who appears in the photo of
[redacted]



3A

RESCREEN & SQUARE HALFTONE

known photo of [redacted]
obtained from his wife.

MSG MS8520

ROUTINE [redacted] 150 0419 9.6.85

UNCLASSIFIED

HQ AFMPC RANDOLPH AFB TX — get copy of service record —
INFO: MPCC- 4

THIS AGENCY TOTAL COPY COUNT 4
THIS MESSAGE TOTAL COPY COUNT 4

RATCZYUW RUPTBKA0591 1500417-[redacted]-RHHHC.C.
ZNY CCCCC
R 300612Z MAY 85
FM JCRC LIAISON BANGKOK TH
TO ~~RUHGRPA/CDR JCRC BARBERS PT HI~~
INFO RUEKJCS/DIA WASHINGTON DC//DC-2//
~~RUHQHQA/USCINCPAC HONOLULU HI//J2/J3/J36//~~
RUEKJCS/SECDEF WASHDC//OASD-ISA/PW-PIA//
RUEADWW/WHITEHOUSE WASHDC//NSC/MR CHILDRESS//
RHHRMPC/AFMPC RANDOLPH AFB TX//MPCC//
~~RUHHHPA/COMUSACTCMD FT SHAFTER HI~~
RUMJUD/AMCONSUL UDORN
RUMJFS/AMEMBASSY VIENTIANE
RUEHC/SECSTATE WASHDC//EAP/VLC//
BT
[redacted] LIAISON BANGKOK TH 30591

CITE: [redacted] 3330 MAY 85.

SUBJ: NEWS ARTICLE - AMERICANS IN CAPTIVITY, AMERICAN
- REMAINS (U)

1. (U) AN ARTICLE HAS JUST BEEN CALLED TO OUR ATTENTION WHICH APPEARED IN THE THAI LANGUAGE "MUANG LUEI NEWS" NEWSPAPER, ISSUE OF 1-15 APRIL 1985. THE ARTICLE IS HEADLINED ON THE FRONT PAGE, BUT THE TEXT APPEARS ON PAGES 6 AND 7. THE INFORMAL TRANSLATION OF THE TEXT IS AS FOLLOWS:

- ON 17 MARCH 1985 AT 0900 HOURS A LAO LIBERATION SOLDIER (NAME NOT REVEALED) INFORMED THE NEWSMAN THAT LAO LIBERATION FORCES WERE PATROLLING AT SEPONE DISTRICT IN SAVANNAKHET PROVINCE OF LAOS IN FEBRUARY 1985. THERE THEY DISCOVERED A CAMP WHERE 57 AMERICAN SOLDIERS WERE DETAINED IN THE DEEP JUNGLE ON THE BORDER BETWEEN LAOS AND VIETNAM. A COMBINED FORCE OF 100 LAO AND VIETNAMESE SOLDIERS AND

ROUTINE ....

I cut + spliced this onto 1 sheet - it fits if you omit 1 of these, + move one to top of page

Classification cancelled (changed to Unclassified
by authority of CDR JCRC [illegible] 85
by [illegible] JUN 85

[illegible] JUN 85

Cable from JCRC, Bangkok to
DIA, Washington in reference
to a news article which appeared
in MUANG LOFI News, 4/15/85

UNCLASSIFIED

ROUTINE

MLN 4666 [redacted]

this page contains a reference
from an unknown source which
tends to support the information
regarding the captivity of [redacted]
[redacted] (Not from our people)

UNCLASSIFIED

9-6-85

ARMED GUARDS WERE GUARDING THE DETAINEES.

- BESIDES THIS CAMP, THERE ARE 21 AMERICAN SOLDIERS STILL RESTRAINED IN THE CAMP OF MUANG KHAMKHEUT IN KHAMMOUANE PROVINCE. SO ALTOGETHER THERE ARE 74 AMERICAN DETAINEES.

- THE LAO LIBERATION SOLDIER ALSO INFORMED THAT FROM THE GROUP OF 53 AMERICANS, 3 ARE NOT DETAINED BECAUSE THEY ARE OLD. THESE THREE ARE ASSIGNED TO GET FOOD, AND THEY ARE PERMITTED TO GO TO THE VILLAGE TO GET FOOD FOR THE OTHER AMERICANS. ALTHOUGH THESE THREE ARE FREE, THEY ARE ESCORTED WHENEVER THEY GO TO THE VILLAGE.

- REGARDING THE OTHER 21 AMERICANS DETAINED AT MUANG KHAMKHEUT, IT IS REPORTED THAT 8 OF THE MEN HAVE DIED SO THERE ARE NOW ONLY 13 STILL ALIVE.

- THE LAO LIBERATION SOLDIER ALSO INFORMED THAT THEY HAVE ACCUMULATED THE CORPSES OF 5 AMERICAN SOLDIERS AT THEIR BASE. THE FIVE AMERICAN SOLDIERS ARE:

1. MR. GUY HILL LA GRANGE ILLINOIS.

2. MR. WANZEL CHARLES (ILLINOIS) 120389292 F. PCS. ROMAN CATHOLIC.

3. MR. SIMMONG ROBERTE 092420975.

AS FOR THE OTHER 2 CORPSES, THEY ARE STILL UNIDENTIFIED. (END OF ARTICLE).

2. (C) Two OF ABOVE NAMES CORRELATE TO AIR FORCE MEMBERS WANZEL, CHARLES J III (REFNO 1807-0-02), AND SIMMONS, ROBERT E. (REFNO 1807-0-04). COPY OF THE ARTICLE ABOVE IS BEING FORWARDED SEPARATELY TO BOTH JCRC AND DIA.

DECL: OADR

BT

#0591

NNNN

UNCLASSIFIED

Classification cancelled (changed) to unclassified
by authority of CDR, JCRC, Barbers Point
by MSG 031830Z JAN 85

342

See note p. 6

ASSISTANT SECRETARY OF DEFENSE
WASHINGTON D.C. 20301

INTERNATIONAL
SECURITY AFFAIRS

MAR 16 1984
3/11

21 January 1984

Ms. Ann Mills Griffiths
Executive Director
National League of Families
of American Prisoners and Missing
in Southeast Asia
1608 K Street, N.W.
Washington, D.C. 20006

RECEIVED APR 3 1984

Dear Ann

If you see it appropriate, I would like you to convey the contents of this letter to the League's Board of Directors. I am aware of a memorandum recently sent by your Board Chairman, Earl Hopper, to Dick Childress, NSC staff. In my estimation, it requires a frank response. You should know that I was shocked by the content of that memo.

The "partnership" which was established by the President was the direct result of efforts made by Dick to promote greater cooperation between the U.S. Government and the League. In large measure, Dick was key in convincing officials to accept the relationship which was not always sought by those with direct responsibility for resolving this issue and in some cases opposed by others as unnecessary or counterproductive.

Once understanding was achieved by the U.S. Government, Dick continued to closely monitor the follow-through of each responsible agency, at all levels, to ensure implementation of the President's priority and to ensure that adequate resources were devoted to this issue. The scrutiny has not always made Dick particulary popular with his colleagues; however, he has not flinched from fulfillment of his responsibility. His energy and dedication are symbolic of the President's genuine commitment.

He has constantly made himself available to meet with your board to ensure that any questions were answered with total candor. I admire his tenacity and determination but feel that the seriousness which he, indeed, all of us, thought was shared by the League is invalid if the opinions expressed by the chairman truly reflect the consensus of the full board.

If the League wishes to terminate the cooperative relationship which has thus far been successful, that is, of course, their decision to make; however, it would seem to me that the League is then in the same position as other POW/MIA groups.

As a member of the IAG with access to classified data, your ability to provide officials with the League's views and, in return, to convey U.S. Government rationale for decisions should be extremely valuable. If the board decides to undermine the current strategy and your capacity to represent the families, the need for a League representative on the IAG diminishes.

The League's responsible role has been and is very helpful, a viable part of the overall strategy to resolve the issue. The Vietnamese must understand that the families and the U.S. Government have no distance between them in approach, policy and direction to resolve this issue. If divisiveness is detected, it will be maximized by the Vietnamese to the detriment of resolution. With your many years of involvement, you surely must be aware of this basic fact.

It is much simpler for the U.S. Government to pursue this issue without the need to coordinate with or consider input from the League; however, our effectiveness would be diminished. I believe this and fully support the partnership as long as it furthers our objective -- return of any still captive and the fullest possible accouting for our men. Either way, the U.S. Government will continue to pursue the POW-MIA issues as matters of highest national priority. The League can help and has admirable done so in the past and it is my fervent hope that the cooperation will continue -- because it is in the best interest of our men.

Sincerely,

Rich

Richard L. Armitage

Ann,
The memo is quite disturbing!
Rich

DIA's 10-11-79 list
personnel listed POW/MIA

DATE- 79/10/11 PAGE 47

NAME	SERV	I/DATE	CAT	STATUS 9APR/3	STATUS CURR	RACE	COUNTRY	LOSS COORDINATES LATITUDE	LOSS COORDINATES LONGITUDE	ACFT/VEH	REMARKS (INCL- RET/REL/RECOV DATES)
MCMAHON, CHARLES JR	USMC	750429	4		NR		VS	104500N	1064000E	GROUND	760222 REMAINS RETURNED BY SRV
MCMANUS, KEVIN JOSEPH	USAF	670614		MH	RR	C	VN	212300N	1063700E	F4C	730218 RELEASED BY DRV
MCMANUS, TRUMAN J	USMC	680005	5	BB	BB	C	VS	164848N	1070931E	GROUND	
MCMICAN, M D	USN	650602	2	BB	BB	C	VN	194258N	1055056E	EA1F	CRASHED AND BURNED-J
MCMILLAN, ISIAH	USA	680311		MH	RR	N	VS/VN	153740N	1081647E	GROUND	730316 RELEASED BY PRG
MCMORROW, JOHN P	USN	610515		RR	RR		LA	193000N	1030000E	H34	620817 RELEASED
MCMURRAY, CORDINE	USA	670712		MH	RR	N	VS/VN	134026N	1073809E	GROUND	730305 RELEASED BY PRG
MCMURRAY, FRED H	USA	680407	4	MH	XX	C	VS	164413N	1064814E	OH1H	
MCMURRAY, FREDERICK C	USAF	720912		MH	RR	C	VN	211700N	1065400E	F4E	730329 RELEASED BY DRV
MCMURRY, WILLIAM G	USA	680207		MH	RR	C	VS/VN	163003N	1064039E	GROUND	730316 RELEASED BY PRG
MCNISH, THOMAS MITCHELL	USAF	660904		MH	RR	C	VN	211700N	1054200E	F105D	730304 RELEASED BY DRV
MCPHAIL, WILLIAM THOMAS	USAF	680522	4	MH	XX	C	LA	162000N	1063000E	C130	CONTACT LOST- NFI
MCPHEE, RANDY NEAL	USMC	670430	5	BB	BB	C	VS	163706N	1064404E	GROUND	
MCPHERSON, EVERETT A	USMC	660318	2	MH	XX	C	VN	191958N	1050959E	EF10B	
MCPHERSON, FRED LAMAR	USAF	680128	2	BB	BB	C	VS	105800N	1061547E	A1E	
MCQUADE, JAMES RUSSELL	USA	720611	3	BB	BB	C	VS	162336N	1072357E	OH6A	
MCRAE, DAVID E	USN	661202	2	MH	XX	C	VN	212058N	1062358E	F4B	CMDR THINKS SUBJ NOT GET OUT
MCSWAIN, GEORGE PALMER	USN	660728		MH	RR	C	VN	184100N	1054300E	A4E	730304 RELEASED BY-DRV
MCVEY, LAVOY DON	USMC	700302	3	BB	BB	C	VS	154501N	1075001E	ACFT	
MCWHORTER, HENRY STERLING	USN	650829	3	BB	BB	C	VN	185359N	1051858E	RF8A	FLAK-EJECT DOSS-N PARABEEP-J
MEADOWS, EUGENE THOMAS	USAF	661013	2	MH	XX	C	VN	170400N	1064000E	F4C	
MEANS, WILLIAM HARLEY	USAF	660720		MH	RR	C	VN	220400N	1052500E	EB66C	730212 RELEASED BY DRV
MEARNS, ARTHUR S	USAF	661111	1	MH	NR	C	VN	211359N	1070457E	F105D	770930 REMAINS RETURNED BY SRV
MECHENBIER, EDWARD JOHN	USAF	670614		MH	RR	C	VN	212300N	1063700E	F4C	730218 RELEASED-BY-DRV
MECLEARY, READ BLAINE	USN	670526		MH	RR	C	VN	212700N	1063100E	A4E	730304 RELEASED BY DRV
MEDANIS, RICK EGGBURTUS	USA	671104	4	MH	NR	C	VS	123000N	1090400E	UH1H	730209 REMS RECOV- 730903 ID'D
MEDEN, PAUL O	USAF	721221	2	MH	MH	C	LA	152712N	1060040E	AC130A	IR 2 237 0432 73 - DEAD Rem RTN'd
MEHL, JAMES PATRICK	USN	670530		MH	RR	C	VN	203700N	1060400E	A4E	730304 RELEASED BY DRV
MEHRER, GUSTAV ALOIS	USA	681225		MH	RR	C	VS/VN	154700N	1081900E	GROUND	730316 RELEASED BY PRG
MEIN, MICHAEL H	USA	681130	4	MH	XX	C	LA	163052N	1062514E	CH34	
MELDAHL, CHARLES H	USA	681020	4	MH	XX	C	VS	122945N	1090754E	CH47	
MELLOR, FREDRIC M	USAF	650813	2	MH	XX	C	VN	210130N	1045120E	RF101C	VOICE CONTACT;UNINJURED
MELTON, TODD M	USAF	730205	1	XX	XX	C	LA	153755N	1065957E	EC47Q	KIA 3- POSS CAPT 4
MENGES, GEORGE B	USAF	670102	4	MH	XX	C	LA	172500N	1054300E	O1F	Rem RTN'd
MERCER, JACOB E (silent Viper)	USAF	720618	2	MH	XX	C	VS	161500N	1071200E	AC130A	
MERONEY, VIRGIL K	USAF	690301	2	MH	XX	C	LA	171000N	1060400E	F4D	
MERRITT, RAYMOND JAMES	USAF	650916		MH	RR	C	VN	195900N	1055500E	F105	730212 RELEASED BY DRV
METOYER, BRYFORD GLENN	USA	690118	5	BB	BB	N	VS/OW	095052N	1064925E	UH1B	AC IN SEA-3RCVD N/SUBJ-J
METZ, JAMES HARDIN	USAF	680415	1	PP	NR	C	VN	173900N	1062400E	F105D	770318 SRV RET REMAINS TO PCOM
METZGER, WILLIAM JOHN	USN	670519		MH	RR	C	VN	205800N	1053800E	F8C	730304 RELEASED BY DRV
METZLER, CHARLES D	USN	710621	4	BB	BB	C	VN/OW	172700N	1074000E	F8J	
MEYER, ALTON BENNO	USAF	670426		MH	RR	C	VN	213500N	1051600E	F105F	730304 RELEASED BY DRV
MEYER, LEWIS E	CIV	680201		MH	RR	C	VS/VN	162730N	1073600E	GROUND	730327 RELEASED BY PRG
MEYER, WILLIAM H	USAF	670420	4	MH	XX	C	VN	210400N	1055500E	F105D	Rem Rtn 8-85
MEYERS, ROGER ALLEN	USN	690209	5	BB	BB	C	VS/OW	173900N	1074430E	A4E	

STATEMENT OF RICHARD HÉBERT
PRESIDENT
THE CENTER FOR POW/MIA ACCOUNTABILITY, INC.

BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE

JANUARY 28, 1986

Mr. Chairman, members of the Committee; I appreciate this opportunity to appear before you today on a subject of signal importance to the United States Government, the families of our missing Americans, veterans, the American public, and one in which I have a great personal interest.

I am a commissioned officer in the United States Marine Corps on retired status and a Vietnam veteran having served two combat tours there. Two of my former pilots are still listed among the missing in action. Since the 1970s I have been intimately involved with the POW/MIA question. During the past five years I set aside my practice as a management consultant and have almost exclusively dedicated my time to assisting our Government as a private citizen, in trying to resolve the tragic dilemma of the nearly 2,500 Americans still listed as missing in action as a result of the Vietnam War.

For the past three years I have served in an unpaid status as president of The Center For POW/MIA Accountability -- a non-profit, tax exempt corporation chartered in the District of Columbia whose sole purpose is to work towards resolution of the POW/MIA issue in concert with our Government and responsible, legitimate interest groups from the private sector. The Center does not accept money from family members nor does it condone or endorse activities in conflict with United States Government policy.

In my testimony today I wish to address a few of the activities emanating from the private sector considered productive as well as those considered counter-productive.

In early 1981 I conducted a detailed study and analysis of the POW/MIA question to define a course of action with the highest confidence level for success to attain the fullest possible accounting of all missing Americans. A total of six possible courses of action were considered including private paramilitary rescue operations and diplomatic efforts on a government-to-government basis. The recommended course of action with the highest probability of success was determined to be an intensive diplomatic effort to persuade the Vietnam and Lao governments to provide the fullest possible accounting based on humanitarian reasons. In order to place our Government in a most-favored negotiating position it was also deemed essential that popular support of the American public be developed by implementing a media blitz to substantially increase public awareness on the issue. Unlike previous administrations, this scenario has largely been pursued by the current Administration with extremely positive results.

Presently, the Government has perhaps the most skilled diplomatic team working the issue with the full support of ultra sophisticated technical resources that the public has ever seen. As a compliment to the Government's efforts, Americans are indeed fortunate to have the expert services of The National League of Families representing their interests as well as providing continuity of effort over these many difficult years.

As a result of the aforementioned study, private rescue operations were rejected as a suitable course of action because they had the least probability of success with a calculated confidence level of zero. This statistically equates to an absolute impossibility. Anyone who believes in success under such formidable odds is insane.

It has been my personal experience through association with various illogical groups and individuals of the "Rambo" persuasion that they inexorably suffer from the Walter Mitty syndrome in pursuit of their own self-serving interests. Most often it is for personal financial benefit at the expense of family members and a naive public, or to gain recognition that was somehow never earned. Unfortunately, their actions are devoid of any consideration for the counter-productive influence they have on the Government's efforts. Such actions send false signals to the Vietnamese leading them to believe America is severally divided on the POW/MIA issue much in the same way as it was during the Vietnam War. The negative effect of their activities is exacerbated by the senseless bartering in artifacts gleaned by the trashing of crash sites by native scavengers.

Putting a price on human remains and crash site artifacts is fueling a ghoulish commerce resulting in a series of tragic events. False and fabricated items such as monkey bones and phony dogtags have surfaced. Further, scavengers are dividing up real human remains to increase the supply for sale.

It is rumored that a human cranium sawed in half has been offered for sale piece by piece.

The scavengers are usually Lao anti-government guerrillas who need both money and favor -- if not from our Government, then from private US citizens. The majority of Americans buying artifacts do so for reasons other than to ease their own anguish or that of some unknown American family. Most of the buyers are the radical critics of the Administration's allegedly slow action in determining the fate of our POWs and MIAs, Their wish is to legitimatize their contentious position by creating a "smoking gun" scenario. However, these artifacts, some real and others fraudulent, so far have provided little forensic value to the investigative process. Further, their actions stimulate an already active market and encourages unlawful forays into Laos much to the anger of the Lao government.

Access to crash sites can only be granted to authorized US personnel by the Lao government. The actions of unauthorized people, be they members of the resistance, bandits, or soldiers of fortune, create mistrust of our Government's intentions while disrupting formal negotiations.

A primary task of the Center is to track individuals and groups who promote and conduct paramilitary training for private cross-border armed rescue operations. Through the Center's network we have achieved a large measure of success in filtering significant, potentially dangerous, and illegal activity from rumor. This information is passed to the Government for its information and consideration.

Based on our analysis of the probability of success of a private rescue attempt, it is sheer stupidity to believe that such an operation would even be marginally successful. A Grenada-type operation factored by at least three would have to be planned. An undertaking of that magnitude is militarily unsound and logistically infeasible. However, assuming that such an operation were implemented, what assurance is there that possible POWs whose locations were not known would survive the aftermath of a partial rescue. It is likely their welfare would be in extreme jeopardy.

The goal of all concerned Americans is to see the POW/MIA issue to a just and honorable conclusion. The claim by critics of the Government that there is a deliberate official coverup to preclude the fullest possible accounting of POWs and MIAs is patently inane.

It is the consensus of those familiar with the intricacies of the Government's efforts and the many successes it has achieved compared to those of previous administrations, that gerrymandering by the contentious few is disruptive to resolution of the issue. The Government has an expert, functional task organization in place that consistently produces positive results. Additional cognizant or oversight authority, whether by commission, committee or other forum, is totally unneccessary. To implement such an entity would only serve to multiply the problems inherent to increased span of control while diminishing overall effectiveness. The failed Iranian hostage rescue attempt is a classic example.

The allegations made by critics of the Administration currently under litigation, are based on nothing new but rather on rumor, hearsay, false assumptions and biased interpretations. Some allegations relate to reports contained in DoD's 15 volume series, "Uncorrelated Information Relating to Missing Americans in Southeast Asia." These documents have been available to the public for many years after being released under the Freedom of Information Act. To cite them as proof of Government ineptness and coverup is ridiculous. If the critics have any new authentic evidence to offer, it is their bound duty to turn it over to the Government with all haste. To withhold possible useful information in their own selfish interests at the expense of family members and concerned citizens is repulsive.

The Administration's policies regarding resolution of the issue are overwhelmingly endorsed by congress and the public. Until the Government can produce irrefutable proof that live Americans are being held against their will in Indochina and procure an accurate accounting of the missing, it is incumbent upon all Americans to support the ongoing efforts.

Solution of the POW/MIA issue is a profound moral obligation of all concerned Americans. A successful outcome is soley dependent on the best judgements and actions of the United States Government. The issue transcends all personal desires other than to see it to a humane and honorable conclusion.

# # # #

TESTIMONY BY
COLONEL EARL P. HOPPER
January 28, 1986

Mr. Chairman and distinguished members of the Committee, I appreciate the opportunity to appear before the Committee today to share with you some thoughts relating to American prisoners of war who have not returned from the Vietnam War.

I am Colonel Earl P. Hopper. I retired from the Army in 1969 after 29 1/2 years service. My oldest son, Lt. Colonel Earl P. Hopper, Jr., U.S. Air Force, was shot down on the North Vietnamese/Laos border on 10 January 1968. Upon retirement from the service I became very active in the POW/MIA issue in Arizona and nationally. I was a member of the Board of Directors of the National League of Families of American Prisoners and Missing in Southeast Asia from 1973 to 1984. During that time I served one year as the League's Executive Director and six years as Chairman of the Board of Directors. I remain a member of the League and also serve on the Board of Directors of Task Force Omega Inc., a national POW oriented organization devoted to the return of our live American prisoners and the remains of those who have died.

I have entered, for the record, two Central Intelligence Agency (CIA) documents titled "Enemy Prisons in Laos" dated March 28, 1970 and November 25, 1970, respectively. Knowing that we have never recovered a live prisoner of war from the Communist Pathet Lao, it is significant that these reports give the number of American prisoners held at specific locations in Laos. More significant, however, is the CIA's designation of these camps as confirmed prison camps and that the terms of information contained therein and limited to "those reported by two or more independent sources." These two reports are unclassified and were approved for release in 1978. Undoubtedly, subsequent reports from 1970 to 1973, or later, at least doubled the number of American prisoners held in confirmed prison camps.

I have submitted for the record, two documents which provide statements of Lao officials who speak of, and acknowledge American prisoners held by Communist forces in Laos. The first document dated February 1, 18 and 25 and March 3, 17, 25 and 31, 1976 is an extract of hearings before the House Select Committee on Missing Persons in Southeast Asia. The second document is a Defense Intelligence Agency (DIA) document, subject: Pathet Lao Knowledgeability on U.S. POWs, dated December 7, 1977.

As you read these official documents you can see that American prisoners were being held by the Pathet Lao, through 1972, by Lao officials own acknowledgement and statements.

These are only four documents of many, unclassified and classified, available to prove Americans were in captivity in Laos and were never released by their Communist Lao captors.

The questions are why weren't these prisoners returned and where are they today? Someone knows and the burden of responsibility to obtain answers to those long unanswered questions rests squarely on the shoulders of the U.S. intelligence agencies. To date they have not fulfilled that responsibility. It is an area which I hope you and your committee, Mr. Chairman, will take a sincere interest and further investigate.

I have attempted here, all too briefly, to establish the fact that American POWs were known by the U.S. government to have been captured in Laos and left behind when hostilities ceased.

This leads me into an area which I consider to be the greatest weakness, in fact the greatest tragedy of this POW problem: the inability to obtain conclusive, timely evidence these American prisoners are still being held.

From what I have been told by high level government and intelligence officials, on-the-ground human or covert intelligence capability in Vietnam and Laos does not exist. As recent as October 9, 1985, Robert McFarlane, at the time the National Security Advisor to President Reagan, stated that "there have to be live Americans there." He went on to say, "There is more that we ought to be doing than we are. What we need to do is to have better human intelligence in Vietnam. Now we don't. I wouldn't pretend to you that we've done enough to even start and that's bad and that's a failure." I am entering for the record a transcript of the tape recording of Mr. McFarlane's comments.

Mr. Chairman, Mr. McFarlane was with the President daily and was responsible to keep the President briefed on the POW problem. I wonder if he informed the President of his feelings and shared his thoughts with him?

Human intelligence capabilities, causes and reporting, focusing on the live POWs, should be subjected to detailed and extensive examination by your committee. It is apparent it is not functioning to the fullest or it is non-existent.

Another area deserving your attention, Mr. Chairman, is the treatment of Asian refugees who voluntarily come forth with information on live POWs. Since the Vietnamese and Laotian refugees started fleeing their homes and settling in free countries, over 800 have reported first hand, eye-witness information on live POWs. I have, over the years, talked to a number of these individuals who complained of their treatment by U.S. government de-briefers (interrogators). The first complaint was as early 1978 and the latest was 1984. These refugees complain of intimidation, threats, insults, degradation, and even of being accused of lying and being Communists. Because of this, many sources of live eye witness reports will never submit to further debriefing after the first or second session.

I submit for the record a copy of a letter written by Madame Le Thi Anh, a Vietnamese lady who lives in Maryland, which outline some of these complaints. Madame Anh has been cooperative with both the U.S. Government agencies, POW oriented organizations and POW/MIA families as a collector of information from the Vietnamese in this country and abroad, as well as translator and interpreter.

I would recommend to you, Mr. Chairman, that Madame Le Thi Ann and some of the refugees who have complaints of their treatment be called before this committee so you may hear from them first hand.

In conclusion, I want to commend you, Mr. Chairman, and your Committee for taking an interest in this POW crisis and for holding these hearings. The overwhelming weight of the evidence establishes beyond a shadow of doubt, in my opinion, that live Americans are still being held in Southeast Asia. But, as stated repeatedly by U.S. government officials, after 13 years they have been unable to provide conclusive evidence to support this as fact.

It is a tragic situation which has to be answered soon and the question this Committee should be asking, and continue to ask until this POW problem is resolved, is WHY? WHY? WHY?

I fear our live American prisoners of war being held by the Communist governments of Vietnam and Laos are being forgotten to death!

Thank you very much, Mr. Chairman, and I especially wish to express my appreciation to my Senator from Arizona, Senator DeConCini, for his sincere interest in our live POWs and his dedication to resolve this crisis and to bring our men home.

CIA

Intelligence Information Cable

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STATE/INR DIA NMCC/MC (SECDEF JCS ARMY NAVY AIR) CIA/NMCC NIC NSA SDO ONE CRS

DIRECTORATE OF PLANS

[redacted]

2 1983 [redacted]

THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

[redacted] 012232Z CITE TDCS 314/03655-70

DIST 1 APRIL 1970

COUNTRY LAOS

DOI 28 MARCH AND AS STATED 28 Mar 1970

COLONEL (RET.) EARL P. HOPPER
14043 NORTH 64th DRIVE
GLENDALE, ARIZONA 85306
(602) 979-5851

SUBJECT ENEMY PRISONS IN LAOS

ACQ [redacted]

SOURCE

1. AS OF 28 MARCH 1970 THERE WERE 25 CONFIRMED ENEMY PRISONS OR PRISONER OF WAR /POW/ CAMPS IN LAOS. AN ESTIMATED 1,038 ENEMY PERSONNEL WERE COMMITTED TO GUARDING, ESCORTING AND PROVIDING SUPPORT FOR POWS. [redacted] COMMENT - THESE PERSONNEL WERE REFLECTED AS A PORTION OF COMMAND AND SUPPORT PERSONNEL FOR LAOS, AS REPORTED IN THE COLLATION OF GROUND OBSERVER REPORTS ON DISPOSITION OF ENEMY FORCES IN LAOS AS OF 15 MARCH. SEE [redacted]

[redacted]

42-44 American POWs

#362

[redacted]

APPROVED FOR RELEASE
Date 30 JUN 1978

[redacted]

(TDCS 314/03234-70)

[redacted] THE LIMITATIONS OF THE TECHNIQUES USED AS ARRIVING AT THESE FIGURES ARE DISCUSSED IN THE FINAL PARAGRAPH OF THIS REPORT./

2. LIVING CONDITIONS - FORMER POWS HAVE COMPLAINED THAT THEY HAD RECEIVED INHUMANE TREATMENT OR WERE SUBJECTED TO VARIOUS INDIGNITIES, BUT IN GENERAL, BY ASIAN STANDARDS, POWS ARE BELIEVED TO RECEIVE HUMANE TREATMENT. ALTHOUGH FOOD IS REPORTED TO BE MINIMAL, UNCLEAN, UNSEASONED AND LACKING IN PROTEIN, IT IS SUFFICIENT FOR EXISTANCE. MEDICAL TREATMENT IS NORMALLY AVAILABLE IN PRIMITIVE FORM. POW CAMPS USUALLY ARE REPORTED AS CROWDED. DISEASES CAUSED BY UNBALANCED DIET, CROWDED CONDITIONS, AND POOR SANITATION CLAIM A LARGE NUMBER OF POWS.

3. POW CAMPS - POWS ARE CONFINED TO A CAVE OR STOCKADE TYPE STRUCTURE DURING THE NIGHT, BUT NORMALLY ARE PERMITTED TO GO OUTSIDE SOMETIME DURING THE DAY FOR EXERCISE. IN SOME CASES, ALL OR PART OF THE POWS ARE ALLOWED BEYOND THE PRISON CONFINES UNDER LIGHT GUARD TO FORAGE FOR JUNGLE FOODS. PRISON GUARDS USUALLY ARE MADE UP OF PERSONNEL WHO, DUE TO THEIR AGE OR PHYSICAL CONDITION, ARE UNFIT FOR REGULAR MILITARY DUTY. PATHET LAO SOLDIERS NORMALLY MAKE UP ESCORT AND GUARD FORCES. MANY POW CAMPS HAVE FULL OR PART-TIME NORTH VIETNAMESE ADVISORS.

[redacted] [illegible]

[redacted]

OCCASIONALLY POWS ARE QUESTIONED BY NORTH VIETNAMESE INTERRGATORS. POW CAMP LOCATIONS ARE CHANGED FREQUENTLY TO PROVIDE BETTER SECURITY.

4. POLITICAL INDOCTRINATION - THE ENEMY MAKES A CONCERTED EFFORT TO INDOCTRINATE POWS TO THE COMMUNIST CAUSE THROUGH LONG PERIODS OF POLITICAL TRAINING. IF AND WHEN A POW SHOWS FAVORABLE PROGRESS, HE IS RELEASED INTO A REAR SERVICE UNIT, OR BECOMES A FARMER OR EVEN A PROPAGANDIST.

5. POLITICAL PRISONERS AND CRIMINALS - THE ENEMY APPEARS TO HAVE LITTLE SYMPATHY FOR POLITICAL PRISONERS AND CRIMINALS FROM THEIR OWN RANKS. THESE PERSONNEL OFTEN ARE CONFINED IN THE SAME CAMP AS POWS, BUT USUALLY ARE SEPARATED AND RECEIVE POORER TREATMENT.

6. AMERICAN POWS - OTHER THAN THE BAN NAKAY NEUA/VH 1956/ L-1 PRISON COMPLEX, AMERICAN POWS ARE NOT BELIEVED TO BE PERMANENTLY INCARCERATED IN LAOS. AMERICAN PERSONNEL CAPTURED IN LAOS ARE ESCORTED TO THE BAN NAKAY NEUA PRISON COMPLEX OR INTO NORTH VIETNAM THROUGH EXISTING INFILTRATION ROUTES. AMERICAN POWS ARE BELIEVED TO RECEIVE BETTER TREATMENT THAN INDIGENOUS POWS, BUT OCCASIONALLY ARE DISPLAYED FOR PROPAGANDA PURPOSES.

[redacted]

[redacted]

[redacted]

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[redacted]

(classification) (dissem controls)

AMERICAN POWS IN THE BAN NAKAY NEUA SECTOR ARE REPORTED TO RECEIVE MILK AND BREAD WITH THEIR MEALS.

7. ON 20 MARCH 1970, ENEMY PRISON FACILITIES WERE CONFIRMED BY GROUND SOURCES AT THE LOCATIONS LISTED BELOW. THE MOST RECENT DATE OF CONFIRMATION IS GIVEN FOR EACH FACILITY.

SECTOR/ LOCATION	REMARKS	DATE OF LAST CONFIRMATION
PHONG SALY /TX 0102/ OQ	DISTRICT PRISON FOR CRIMINALS AND POLITICAL PRISONERS APPROXIMATELY 400 PRISONERS ALLEGEDLY WERE RELEASED IN JULY 1968	FEB 70
MUONG SING /QD 23440	DISTRICT PRISON FOR CRIMINALS AND POLITICAL PRISONERS	DEP 69
NAM THA /QD 5019/	POW CAMP AND A SEPARATE CAMP FOR POLITICAL PRISONERS	AUG 69
QD 6455 /CHINA/	UNIDENTIFIED /U/I/ PRISON [redacted] COMMENT - THIS AREA APPEARS TO BE INHABITED BY LAO, THERE IS ALSO A LAO HOSPITAL AND STORAGE FACILITY AT THE SAME LOCATION./	AUG 69

[redacted]

[redacted]

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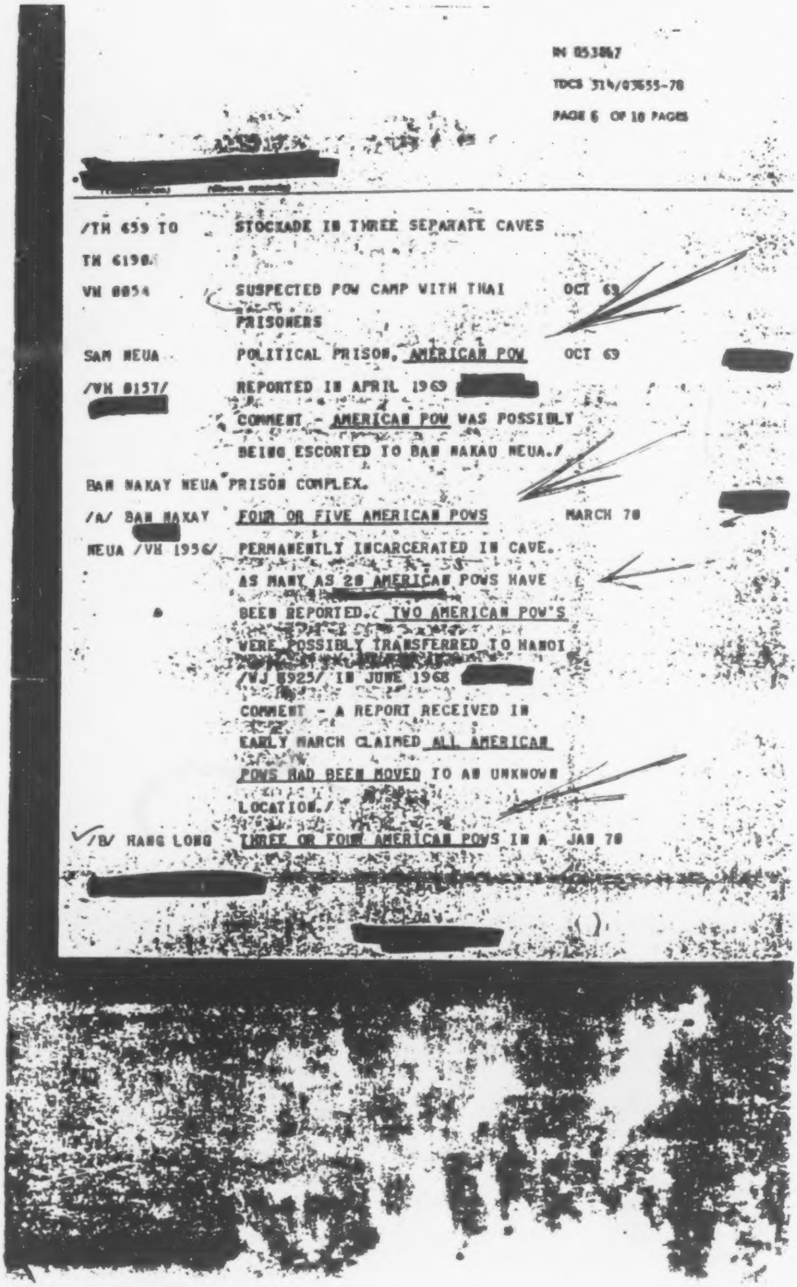
[redacted]
(classification) (dissem controls)

NAN BOIENE /QD7744/	DETENSION CENTER IN CONNECTION WITH SINO-LAO BORDER CHECK POINT	AUG 69
NAM NUA /TJ 0134/	U/I PRISON	MAY 69
HOUAY CHIK /TJ 6345/	APPROXIMATELY 70 POLITICAL PRISONERS	DEC 69
HOUAY KANG /TJ 7030/	POW CAMP COMPLEX [redacted] COMMENT - SEVERAL HUNDRED GOVERNMENT TROOPS CAPTURED AT NAM BAC /TH 3583/ IN JANUARY 1968 WERE INCARCERATED IN THIS COMPLEX. MOST OF THESE PERSONNEL HAVE BEEN RELEASHED INTO REAR SERVICE UNITS, INTEGRATED INTO COMMUNIST TACTICAL UNITS OR HAVE ESCAPED./	SEP 69
VJ 1101	U/I PRISON	FEB 69
MUONG SAI /RC 0787/	POW CAMP AND POLITICAL PRISON, 100 TO 200 PRISONERS REPORTED	FEB 70
NAM BAC /TH 3086/	POLITICAL INDOCTRINATION CENTER FOR RALLIERS AND POLITICAL PRESONERS	FEB 70
MUONG SOUI	POW CAMPS POLITICAL PRISON AND [illegible]	JAN 70

[redacted]

[redacted]



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/TH 659 TO TH 6190.	STOCKADE IN THREE SEPARATE CAVES		1
VN 0054	SUSPECTED POW CAMP WITH THAI PRISONERS	OCT 69	
SAM NEUA /VN 0157/ [redacted]	POLITICAL PRISON, AMERICAN POW REPORTED IN APRIL 1969 [redacted] COMMENT - AMERICAN POW WAS POSSIBLY BEING ESCORTED TO BAN NAKAU NEUA./	OCT 69	[redacted]

BAN NAKAY NEUA PRISON COMPLEX.

/A/ BAN NAKAY [redacted] NEUA /VN 1956/	FOUR OR FIVE AMERICAN POWS PERMANENTLY INCARCERATED IN CAVE. AS MANY AS 20 AMERICAN [redacted] POWS HAVE BEEN REPORTED. TWO AMERICAN POW'S WERE POSSIBLY TRANSFERRED TO HANOI /WJ 8925/ IN JUNE 1968 [redacted] COMMENT - A REPORT RECEIVED IN EARLY MARCH CLAIMED ALL AMERICAN POWS HAD BEEN MOVED TO AN UNKNOWN LOCATION./	MARCH 70	[redacted] 4-5
✓/B/ HANG LONG	THREE OR FOUR AMERICAN POWS IN A	JAN 70	3-4

[redacted]

[redacted]

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[redacted]

/VH 1362/	CAVE. GOVERNMENT TROOPS AND POSSIBLY SOME THAI PERSONNEL, CAPTURED AT NA KHANG /UH 4118/ IN MARCH 1969 WERE MOVED TO THE POW CAMP. [redacted] COMMENT - TWENTY SEVEN AMERICAN POWS WERE REPORTEDLY SENT TO NORTH VIETNAM IN DECEMBER 1968 FOR POW EXCHANGE./	
/C/ VH 2848	POW CAMP. AMERICAN, THAI AND FILIPINO POWS REPORTED IN LATE 1967	DEC 68
PLAINE DES JARRES	[redacted] COMMENT - GOVERNMENT FORCES OCCUPIED THE PLAINE DES JARRES FROM JULY 1969 TO FEBRUARY 1970. MANY OF THE POWS INCARCERATED IN THE REGION WERE EVACUATED BY COMMUNIST FORCES PRIOR TO GOVERNMENT OCCUPATION. THE REMAINDER OF THE POWS ESCAPED OR WERE RELEASED BY GOVERNMENT FORCES./	DEC 68
NONG HET /UG 9555/	POW CAMP. OVER 100 POWS WERE MOVED FROM THE PLAINE DES JARRES TO NONG	DEC 69

Only 9 POW's from Hanoi

[redacted]

[redacted]

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[redacted]

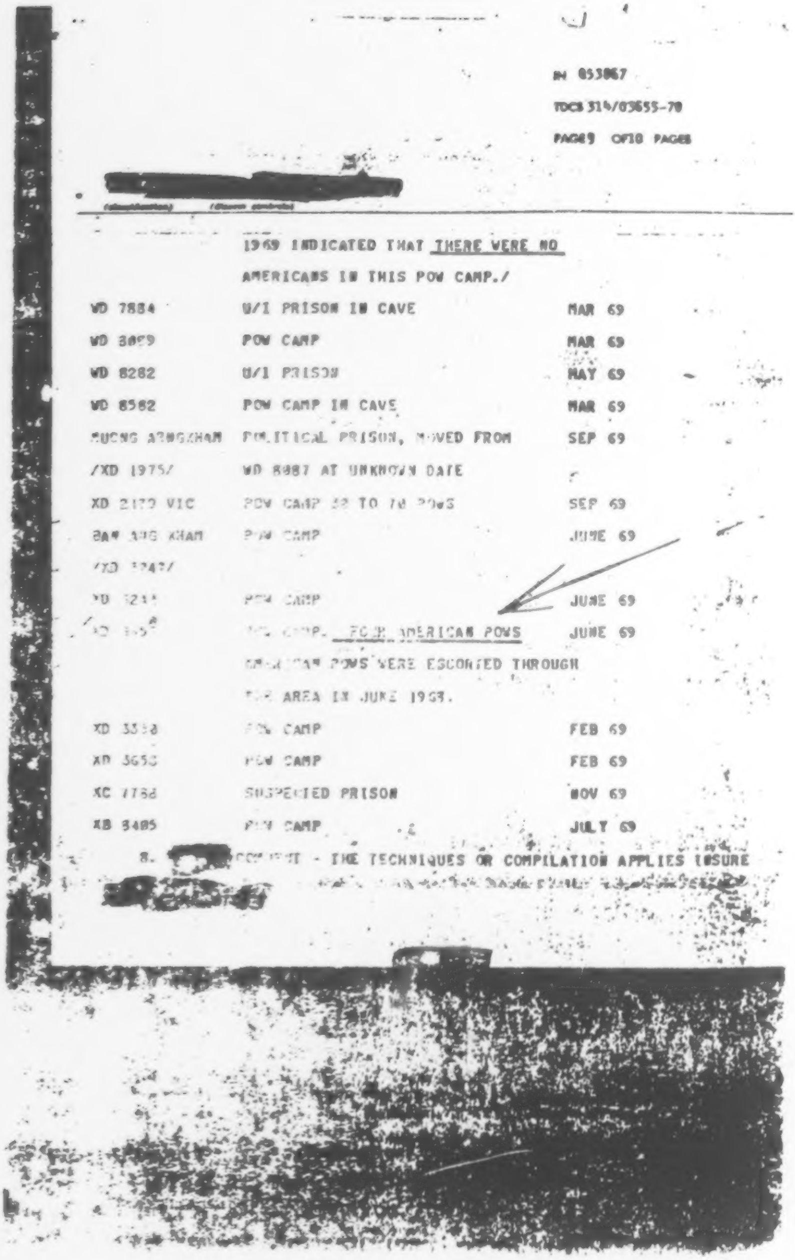
(classification) (dissem controls)

	MET IN SEPTEMBER 1969. AMERICAN POWS WERE REPORTED IN JANUARY 1969.	
WF 0832	POW CAMP WITH APPROXIMATELY 37 POWS GUARDED BY 20 POLICEMEN AND ONE PATHET LAO COMPANY	AUG 69
NAM OU /WF 0429/	POLITICAL PRISON, 10 TO 20 PRISONERS	OCT 69
MAHAXAI /VE 2224/	POW CAMP AND/OR POLITICAL PRISON	NOV 69
VE 2639	U/I PRISON GUARDED BY ONE PATHER LAO GUERRILA COMPANY	JULY 69
PHA LABO /VE 4301/	POWS SCREENED	MAY 69
BAN NADENE /VE 4334/ [redacted]	POW CAMP IN KARST CAVE, 50 TO 80 POWS REPORTED. AMERICAN POW REPORTEDLY ESCORTED THROUGH THE AREA IN MARCH 1968.	JAN 70
BAN THA PAC HONE /VE 8805/ [redacted]	POW CAMP, 10 AMERICAN, THAI AND FILIPINO POWS IN A CAVE. [redacted] COMMENT - INFORMATION DATED 26 JULY	SEP 69

10

[redacted]

[redacted]



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[redacted]

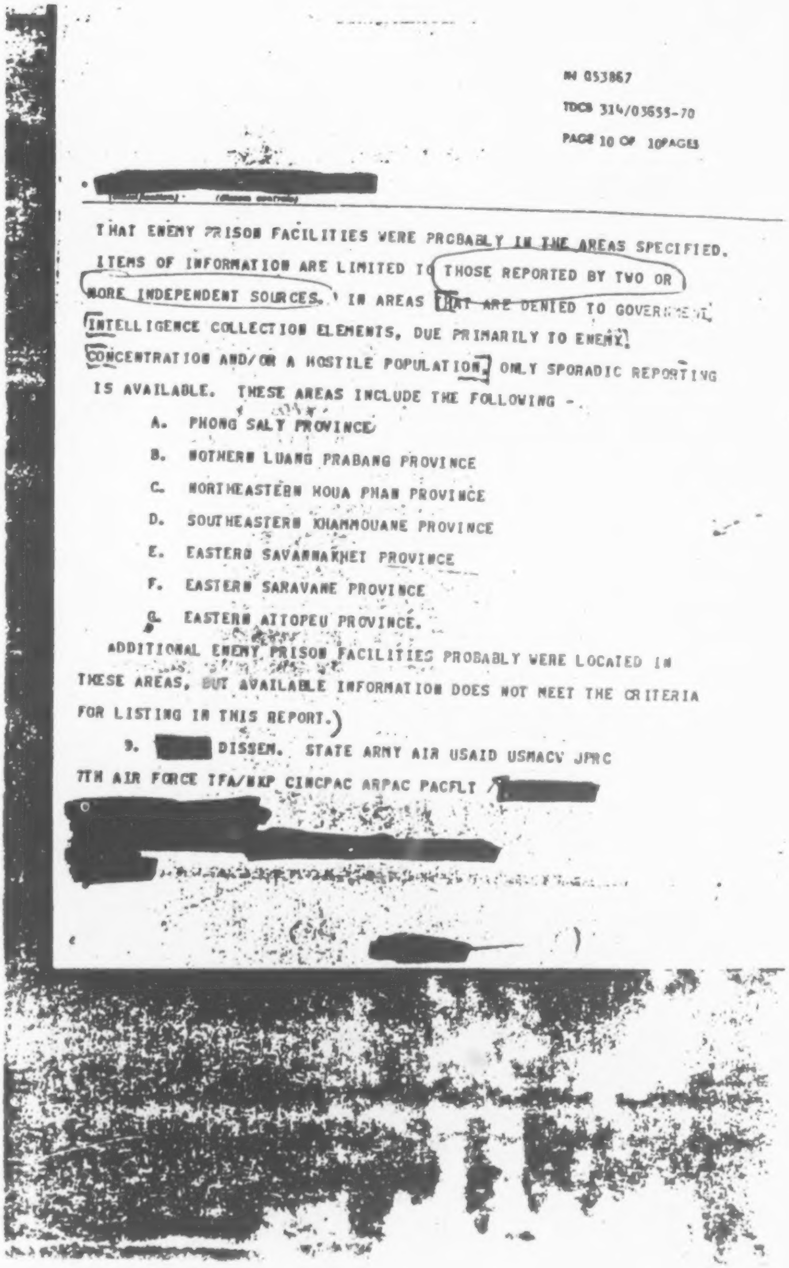
(classification) (dissem controls)

	1969 INDICATED THAT THERE WERE NO AMERICANS IN THIS POW CAMP./	
WD 7884	U/I PRISON IN CAVE	MAR 69
WD 8059	POW CAMP	MAR 69
WD 8282	U/I PRISON	MAY 69
WD 8582	POW CAMP IN CAVE	MAR 69
MUONG ANGKHAM /XD 1975/	POLITICAL PRISON, MOVED FROM WD 8087 AT UNKNOWN DATE	SEP 69
XD 2179 VIC	POW CAMP 32 TO 70 POWS	SEP 69
BAN ANG KHAM /XD 3247/	POW CAMP	JUNE 69
XD 3244	POW CAMP	JUNE 69
XD 345[illegible]	POW CAMP. FOUR AMERICAN POWS AMERICAN POWS WERE ESCORTED THROUGH THE AREA IN JUNE 1969.	JUNE 69
XD 3538	POW CAMP	FEB 69
XD 3650	POW CAMP	FEB 69
XC 7768	SUSPECTED PRISON	NOV 69
XB 8405	POW CAMP	JULY 69

4

8. [redacted] COMMENT - THE TECHNIQUES OR COMPILATION APPLIES INSURE [illegible]

[redacted]



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[redacted]

THAT ENEMY PRISON FACILITIES WERE PROBABLY IN THE AREAS SPECIFIED. ITEMS OF INFORMATION ARE LIMITED TO THOSE REPORTED BY TWO OR MORE INDEPENDENT SOURCES. IN AREAS THAT ARE DENIED TO GOVERNMENT INTELLIGENCE COLLECTION ELEMENTS, DUE PRIMARILY TO ENEMY CONCENTRATION AND/OR A HOSTILE POPULATION, ONLY SPORADIC REPORTING IS AVAILABLE. THESE AREAS INCLUDE THE FOLLOWING -

A. PHONG SALY PROVINCE

B. NOTHERN LUANG PRABANG PROVINCE

C. NORTHEASTERN HOUA PHAN PROVINCE

D. SOUTHEASTERN KHAMMOUANE PROVINCE

E. EASTERN SAVANNAKHET PROVINCE

F. EASTERN SARAVANE PROVINCE

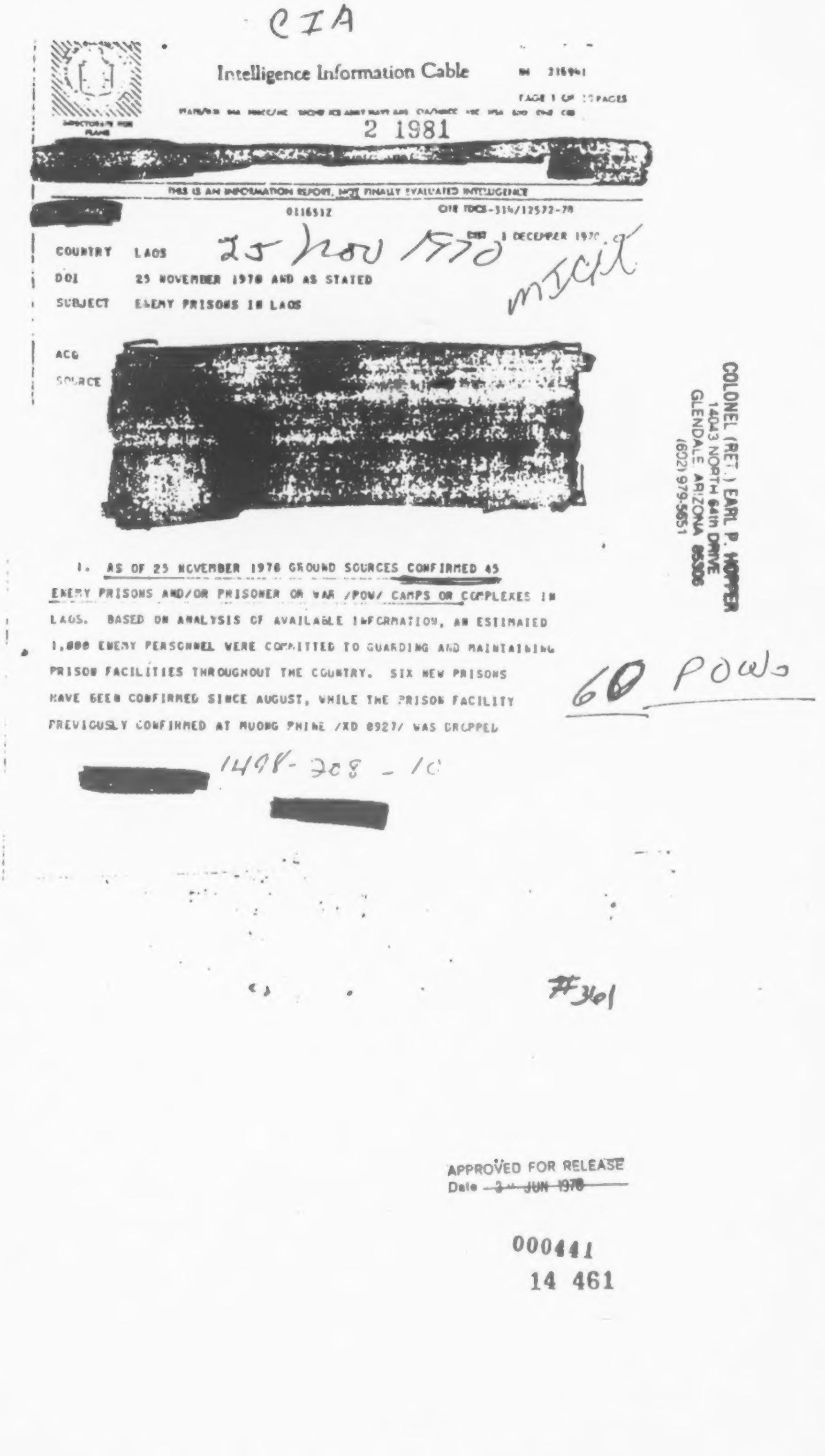
G. EASTERN ATTOPEU PROVINCE.

ADDITIONAL ENEMY PRISON FACILITIES PROBABLY WERE LOCATED IN THESE AREAS, BUT AVAILABLE INFORMATION DOES NOT MEET THE CRITERIA FOR LISTING IN THIS REPORT.)

9. [redacted] DISSEM. STATE ARMY AIR USAID USMACV JPRC 7TH AIR FORCE TFA/NKP CINCPAC ARPAC PACFLT /[redacted]

[redacted]

[redacted]



CIA

Intelligence Information Cable

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THIS IS AN INFORMATION REPORT, NOT FINALLY EVALUATED INTELLIGENCE

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0116512

CIR TDCS-314/12572-70

DIST 1 DECEMBER 1970

COUNTRY LAOS 25 Nov 1970

DOI 25 NOVEMBER 1970 AND AS STATED

SUBJECT ENEMY PRISONS IN LAOS

MICIL

ACQ
SOURCE
[redacted]

COLONEL (RET.) EARL P. HOPPER
14043 NORTH 64th DRIVE
GLENDALE, ARIZONA 85306
(602) 979-5651

1. AS OF 25 NOVEMBER 1970 GROUND SOURCES CONFIRMED 45 ENEMY PRISONS AND/OR PRISONER OF WAR /POW/ CAMPS OR COMPLEXES IN LAOS. BASED ON ANALYSIS OF AVAILABLE INFORMATION, AN ESTIMATED 1,000 ENEMY PERSONNEL WERE COMMITTED TO GUARDING AND MAINTAINING PRISON FACILITIES THROUGHOUT THE COUNTRY. SIX NEW PRISONS HAVE BEEN CONFIRMED SINCE AUGUST, WHILE THE PRISON FACILITY PREVIOUSLY CONFIRMED AT MUONG PHINE /XD 0927/ WAS DROPPED

60 POWs

[redacted] 1498-208-10

[redacted]

#361

APPROVED FOR RELEASE
Date ~~3 JUN 1978~~

000441
14 461

[redacted]

FROM THIS LISTING DUE TO RECENT GOVERNMENT OPERATIONS IN THAT SECTOR. PRISONERS PREVIOUSLY HELD IN THE IMMEDIATE MUONG PHINE AREA PROBABLY WERE TRANSFERRED TO OTHER PRISONS. [redacted] COMMENT. THIS REPORT UPDATES [redacted] (TDCS-314/08361-70) /ISSUED IN AUGUST. THE LIMITATIONS OF THE TECHNIQUES USED IN COMPILING THIS REPORT ARE DISCUSSED IN THE FINAL PARAGRAPH./

2. POW CAMPS IN CONTESTED AREAS FREQUENTLY CHANGE THEIR LOCATIONS TO INSURE BETTER SECURITY, ESPECIALLY FOLLOWING SUCCESSFUL PRISONER ESCAPES. THE ENEMY STRESSES POLITICAL INDOCTRINATION OF INDIGENOUS POWS, AND THOSE PRISONERS WHO SHOW FAVORABLE PROGRESS OFTEN ARE INTERGRATED INTO REAR SERVICE UNITS OR OTHER SUPPORT FACILITIES. MANY OF THESE PRISONERS ARE RELEASED TO THEIR HOME VILLAGES IF THEY PROMISE NOT TO SUPPORT THE ROYAL LAO GOVERNMENT /RLG/.

3. AMERICAN POWS. UNTIL RECENTLY THE BAN NAKAY NEUA /VH 1956/ PRISON COMPLEX WAS THE ONLY PRISON FACILITY IN LAOS KNOWN TO CONTAIN AMERICAN POWS. AMERICANS CAPTURED IN NORTHERN LAOS WERE ESCORTED TO THIS FACILITY, WHERE THEY WERE DETAINED ON A SEMI-PERMANENT BASIS. RECENT REPORTING INDICATES, HOWEVER, THAT ALL FOREIGN POWS INCLUDING THE AMERICANS HELD IN

[redacted]

[redacted]

[redacted]

D. BAN NAM THOUNG /QD 5328/ A SMALL PRISON, POSSIBLY A LOCAL JAIL, CONTAINING 13-20 PRISONERS. PRISONERS ARE ESCORTED TO WORK AT BAN THON. GM /QD 5122/ TO HUSK RICE. /OCT 1970/

E. QD 6455 /CHINA/ A UNIDENTIFIED /U/I/ PRISON. /AUG 1969/ [redacted] COMMENT - THIS AREA APPEARS TO BE INHABITED BY LAO ETHNIC GROUPS. THERE ALSO IS A LAO HOSPITAL AND STORAGE FACILITY AT THE SAME LOCATION./

F. BOTENE /QD 7744/ A SMALL LOCAL PRISON POSSIBLY CONTROLLED BY KHAMMOUANE NEUTRALISTS. A PRISON BUILT BY CHINESE FORCES ALSO HAS BEEN REPORTED HERE. /APR 1970/

G. NAM NOA /TJ 1034/ A U/I PRISON. /MAY 1969/

H. HOUAY CHIA /TJ 6345/ A PRISON REPORTED TO CONTAIN ABOUT 70 MILITARY AND CIVIL PRISONERS. /MAR 1970/

I. HOUAY KANG /TJ 7451/ A PRISON COMPLEX. SEVERAL HUNDRED RLG TROOPS CAPTURED AT NAM BAC /TH 3583/ IN JANUARY 1968 WERE INCARCERATED IN THIS COMPLEX. MOST OF THESE PERSONNEL HAVE BEEN RELEASED INTO REAR SERVICE UNITS, INTEGRATED INTO COMMUNIST TACTICAL UNITS, OR HAVE ESCAPED. /OCT 1969/

J. VJ 1161 A U/I PRISON. /FEB 1969/

[redacted]

[redacted]

[redacted]

K. MUONG SAI /RC 1190/ A PRISON FOR CIVILIANS AS WELL AS POWS AND POLITICAL PRISONERS. /APR 1970/

L. RC 0788 VICINITY /MUONG SAI/ A TWO PRISONS IN THE IMMEDIATE AREA, ONE FOR POLITICAL PRISONERS AND THE OTHER FOR POWS, 160-200 PRISONERS GUARDED BY 40-60 PL. /JUL 1970/

M. NAM BAC /TH 3886 VICINITY/ A POLITICAL INDOCTRINATION CENTER FOR POWS AND POLITICAL PRISONERS. /JUN 1970/

N. MUONG NGOI /TH 5891 VICINITY/ A THREE PRISONS IN THE MUONG NGOI AREA CONTAINING CIVILIANS, POWS AND POLITICAL PRISONERS AT THE FOLLOWING LOCATIONS /SEP 1970/ -

/1/ PHA ZAG CAVE /TH 5958/

/2/ PHA PEANG CAVE /TH 6291 VICINITY/

/3/ TH 6591

O. SAM NEUA /VH 9157 VICINITY/ A POLITICAL PRISON FOR LAO. AS OF DECEMBER 1969 ONLY NON-LAO PRISONER REPORTED WAS A THAI POW. /DEC 1969/

P. BAN NAKAY NEUA /VH 1956/ A PRISON COMPLEX. /NOV 1970/

/1/ BAN NAKAY NEUA - MAJOR ENEMY PRISON. AS MANY AS 20 AMERICAN POWS HAVE BEEN REPORTED AT THIS LOCATION. UNCONFIRMED REPORTING AS OF 20 OCTOBER INDICATES ALL POWS,

20 POWs

[redacted]

[redacted]

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[redacted]

AMERICANS, THAIS, LAO AND NEO, MAY HAVE BEEN TRANSFERRED TO AN UNKNOWN LOCATION NORTH OF BAN NAKAY NEUA. /OCT 1970/

/2/ HANG LONG /VH 1342/ A PRISON IN CAVE, AMERICAN, THAI AND LAO PRISONERS. RECENT UNCONFIRMED REPORTING INDICATES ALL POWS MAY HAVE BEEN TRANSFERRED PRIOR TO MID-AUGUST TO AN UNKNOWN LOCATION NORTH OF BAN NAKAY NEUA. /NOV 1970/

Q. BAN CHAMUN /UG 7949 VICINITY/ - PRISON, POSSIBLY CONTROLLED BY DEUANIST NEUTRALISTS. /FEB 1970/

R. NAM KIAO /UG 9851/ A LARGE PRISON FACILITY REPORTED TO HAVE BEEN BUILT IN SPTEMBER 1969 BY PRISONERS WHO WERE MOVED FROM NONG KHAY /UG 1756/. /JAN 1970/

S. NONG HET /UG 9555/ A LARGE PL PRISON AT ONE TIME CONTAINED OVER 300 PRISONERS, MANY OF WHOM WERE TRANSFERRED FROM THE PLAINE DES JARRES DURING SEPTEMBER 1969. MANY OF THE POWS HELD HERE HAVE BEEN RELEASED INTO LABORER AND COOLIE GROUPS. /AUG 1970/

T. KHAM KEUT /VF 7616 VICINITY/ A PRISON COMPLEX LOCATED IN SEVERAL CAVES IN KHAM KEUT AREA CONTAINS BOTH CIVILIAN PRISONERS AND POWS. /JUN 1970/

V. BAN THA VENG /VF 3616/ A PRISON FACILITY, POSSIBLY

[redacted]

[redacted]

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[redacted]

ASSOCIATED WITH THE BORIKHAN SAI PROVINCIAL HEADQUARTERS. /JUN 1970/

V. WF 9926 A PRISON FACILITY, POSSIBLY ASSOCIATED WITH PRISON AT BAN NAPE /WE 6823/. /JUL 1970/

W. BAN ON /WF 0429 VICINITY/ A POLITICAL PRISON, 15-20 PRISONERS. /JUL 1970/

X. BAN NAPE /WF 6823/ A A PRISON POSSIBLY CONTAINING BOTH CIVILIANS AND POWS. /SEP 1970/

Y. MAHAXAY /WE 2224/ A U/I PRISON. /NOV 1969/

Z. WE 2639 A U/I PRISON GUARDED BY ONE GUERRILLA COMPANY. /JUL 1969/

AA. PHA LANG CAVE /WE 4301/ A U/I PRISON. /MAY 1969/

BB. BAN NADENE/BAN NATHAN - KHAMMOUANE PROVINCIAL PRISON COMPLEX, CONSISTING OF THREE SEPARATE PRISONS IN KARST CAVES OVER 160 LAO, BOTH CIVILIANS AND POWS, ARE BEING DETAINED IN THIS COMPLEX. NO AMERICANS OR OTHER FOREIGN NATIONALS ARE CURRENTLY BEING HELD, HOWEVER, IN MAY 1965 AND MARCH 1966 TWO AMERICAN PILOTS WERE REPORTED PASSING THROUGH THE AREA, PROBABLY ON THE WAY TO THE PRISON AT BAN THAPAC NONE /WE 0805/. THE THREE PRISONS ARE AT THE FOLLOWING

HO

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[redacted]

LOCATIONS /AUG 1970/ A

/1/ BAN NADENE /VE 4334/ A PRISON IN A KARST CAVE, 50-60 PRISONERS. AMERICANS REPORTED PASSING THROUGH IN MAY 1965 AND MARCH 1966. /JUN 1970/

/2/ BAN NATHAN /VE 4832/ A PRISON IN CAVE, 50-60 POWS. NO AMERICANS OR THAIS IN THE AREA. /JUN 1970/

/3/ VE 4252 A PRISON FACILITY RAIDED IN 1967 BY RLG FORCES, REPORTED IN AUGUST 1970 TO BE BACK IN USE. /AUG 1970/

CC. BAN THAFAC NOLE /VE 6063/ A POW CAMP IN A KARST CAVE. AT ONE TIME THIS PRISON HELD 10 FOREIGN POWS INCLUDING AMERICANS, THAIS AND FILIPINOS. INFORMATION DATED 20 JULY 1969 INDICATED NO AMERICANS WERE THEN BEING HELD AT THIS LOCATION. A REPORT DATED 29 MAY 1970 INDICATED THE PRISON MAY HAVE BEEN ABANDONED FOR THREE-FOUR MONTHS. /MAY 1970/

DD. WD 7864 A U/I PRISON IN A CAVE. /MAR 1970/

EE. WE 6188 A PRISON CONTAINING BOTH POLITICAL PRISONERS AND POWS. NO FOREIGN PRISONERS REPORTED. /AUG 1970/

FF. WD 6282 VICINITY - PRISON CONTAINING ABOUT 60 POWS. /MAY 1969/

GG. WD 8582 A LOCAL PRISON IN A CAVE. /MAR 1969/

[redacted]

[redacted]

[redacted]

HH. XD 2526 VICINITY - PL PRISON WITH CIVILIAN AND MILITARY PRISONERS REPORTED. /JUL 1970/

II. MUONG ANAG KHAM /XD 1975/ A POLITICAL PRISON POSSIBLY ASSOCIATED WITH THE SOUTH LAOS TACTICAL REGION HEADQUARTERS. /AUG 1970/

JJ. XD 2179 VICINITY - PRISON WITH 50-70 POWS. /SEP 1965/

KK. BAN ANG KHAM /XD 3047/ A POW CAMP. /AUG 1970/

LL. XD 3244 A POW CAMP. /JUN 1969/

MM. XD 3658 A POW CAMP. /FEB 1969/

NN. XD 3457 A POW CAMP. FOUR AMERICANS ESCORTED THROUGH THE AREA IN JUNE 1968. /JUN 1969/

OO. MUONG NONG /XD 6810 VICINITY/ A PRISON REPORTED TO CONTAIN EIGHT-TEN AMERICANS DURING APRIL AND MAY 1970. /MAY 1970/

PP. XC 1566 A POW CAMP CONTAINING ONLY LAO PRISONERS. /JUL 1970/

QQ. XC 7766 A SUSPECTED PRISON. /SEP 1970/

RR. XB 8465 A POW CAMP. /JUL 1969/

SS. XB 8632 VICINITY - PRISON FACILITY CONTAINING ONLY LAO PRISONERS. /OCT 1970/

(9. [redacted] COMMENT. THE TECHNIQUES OF COMPILATION APPLIED

[redacted]

[redacted]

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INSUME THAT ENEMY PRISON FACILITIES WERE PROBABLY IN THE AREAS SPECIFIED. ITEMS OF INFORMATION ARE LIMITED TO THOSE REPORTED BY TWO OR MORE INDEPENDENT SOURCES. IN AREAS THAT ARE DENIED TO RLG INTELLIGENCE COLLECTION ELEMENTS, DUE PRIMARILY TO ENEMY CONCENTRATION AND/OR A HOSTILE POPULATION, ONLY SPORADIC REPORTING IS AVAILABLE. THESE AREAS INCLUDE THE FOLLOWING A

A. PHONG SALY PROVINCE

B. NORTHERN LUANG PRABANG PROVINCE

C. HOUA PHAN PROVINCE

D. NORTHEASTERN XIENG KHOUANG PROVINCE

E. EASTERN KHAMMOUANE PROVINCE

F. EASTERN SAVANNAKHET PROVINCE

G. EASTERN SARAVANE PROVINCE

H. EASTERN ATTOPEU PROVINCE.

ADDITIONAL ENEMY PRISON FACILITIES PROBABLY WERE LOCATED IN THESE AREAS, BUT AVAILABLE INFORMATION DOES NOT MEET THE CRITERIA FOR LISTING IN THIS REPORT.)

8. [redacted] DISSEM - STATE ARMY AIR USAID USMACV JPRC 7TH AIR FORCE TFA/DEP CINCPAC ARPAC PACAF PACFLT [redacted]

[redacted]

[redacted]

AMERICANS MISSING IN SOUTHEAST ASIA

LAO
STATEMENTS ON
PW's

HEARINGS

BEFORE THE

HOUSE SELECT COMMITTEE ON MISSING PERSONS IN SOUTHEAST ASIA

NINETY-FOURTH CONGRESS

FIRST SESSION

PART 3

FEBRUARY 4, 18, AND 25, MARCH 3, 17, 25, AND 31

Printed for the use of the
Select Committee on Missing Persons in Southeast Asia

U.S. GOVERNMENT PRINTING OFFICE
67-741 O WASHINGTON : 1976

Health was one hazard. I had several bouts of dysentery, as did the guerrillas sometimes. Mike and I had boils on our legs; mine were diagnosed after my release as symptoms of an Asian disease called melioidosis, a bloodstream disease with a mortality rate up to 50 percent. The food was not really adequate, considering the limited amount of rice we could force down, to maintain the weight of a good-sized Westerner. We were held mostly in grass-covered shacks by day and traveled every few nights, by truck or bicycle or on foot, through areas that were under frequent attack by U.S. and South Vietnamese tanks and planes. Several times we heard and felt the deep pounding of B 52 raids in the distance. Our captors said they had survived several B 52 attacks, escaping direct hits.

Communications and record-keeping appeared to be very primitive. We sometimes saw our captors writing tiny messages to be carried away in the night by a courier on a bicycle or motorbike. At one house where we stayed, we saw one of the guerrillas reach into a hole in a palm-leaf wall and take out a tiny handwritten note, apparently left there by another group of guerrillas. It occurred to me several times that I could have died of illness or injury in a way that no one would ever find my body or a record of my death.

Basis for hope that any individual missing person has survived is bound to fade with the passage of time. But some Americans have survived for years under far worse conditions than we experienced. No one can be certain without a precise accounting, and in some cases that accounting may never be possible.

SUMMARY OF SIX REPORTS SUBMITTED BY CIA

Part I.—Attached is a summary of six reports of Pathet Lao representatives making statements about American PWs.

Part II.—Attached is a summary of reporting on a statement made on 11 November 1969 by Soth Petrasy to the Pathet Lao, to the effect that "the Pathet Lao actually had a number of prisoners in addition to the 158 given"—that is, shown on a list furnished by the U.S. Government to the International Red Cross and by the IRC to Soth Petrasy. The news reports to Soth Petrasy's statements misconstrued his words to mean that the Pathet Lao was holding more than 158 US PWs.

Part III.—Attached are files on five incidents between February 1966 and January 1970, involving nine men who went down in the vicinity of the Ho Chi Minh trail in Southern and Central Laos. In each case there is reason to believe that the indigenous forces on the ground, either Pathet Lao or North Vietnamese, were aware of the crash and could easily have identified the individuals concerned. A map showing the location of the crash sites is also provided.

Part IV.—Attached is a summary of relatively recent information on Americans known to have been in captivity in Laos. This information was included in material presented to the Select Committee on 17 March 1976.

Part I. *Summary of six reports of Pathet Lao representatives making statements about American PWs.*

(a) In September 1968, Soth Petrasy told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

(b) During an April 1971 interview with a Swedish correspondent, Prince Souphanouvong, Chairman of the Lao Patriotic Front Central Committee, was asked to comment on the Pathet Lao policy toward captured enemy soldiers and American pilots. In response, Prince Souphanouvong made the following statement:

"The LPF (Lao Patriotic Front) has made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GIs. All the American pilots engaged in bombings or toxic chemical sprays on Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with the humane policy of the LPF. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

(c) In a conversation with U.S. personnel on 1 May 1971, Soth Petrasy was asked why the Pathet Lao had not released a list of prisoners as North Vietnam had. He replied that the situation in Laos was different from that in North

Vietnam, because bombing of North Vietnam had ceased. In Laos, even under normal conditions, there was no means of communication between most villages. Because of U.S. air activity it was often not possible to reach the site of downed planes to ascertain the fate of the pilot and crew. For these reasons it was impossible for the Pathet Lao to compile a complete list. Soth Petrasy further stated that prisoners were being held in various regions in Laos, and were being well treated.

(*d*) In the course of a February 1972 interview, Soth Petrasy made a statement to the effect "that some tens of prisoners are presently being held" by Pathet Lao.

(*e*) On 21 April 1972, Soth Petrasy reportedly stated that "there are many American PWs held in liberated areas of Laos," but he would not provide specific figures. (Photocopy of *New York Times* article, 23 April 72, attached).

(*f*) In an interview with an AP correspondent on 26 April 1973, Soth Petrasy stated that if Americans reached the ground alive, they could still die without even being found, but if they were captured, they were released.

Prince Souphanouvong's statement, together with statements made by Soth Petrasy, indicates that the Pathet Lao were holding American prisoners. The ten "Laos returnees" during Operation Homecoming were captured and held by the North Vietnamese, not the Pathet Lao, and were moved expeditiously out of Laos to North Vietnam. Their experiences do not conform to the statements mentioned above. Therefore, if true, the Pathet Lao statements cited above refer to PWs other than the ten released during Operation Homecoming.

[From the New York Times, April 23, 1972]

P.O.W. ISSUE IN LAOS LINKED TO BOMBING

Vientiane, Laos, April 22 (UPI)—The Pathet Lao Communist representative here said today that discussions on the release of American prisoners of war held in Laos could begin as soon as the United States ordered a "total" halt in the bombing here.

Col. Soth Petrasy, the Laotian Communists' permanent spokesman in Vientiane said "there were many" United States P.O.W.'s being held by the Pathet Lao, but he would not disclose the exact number or their whereabouts.

"We are willing to discuss the question of United States P.O.W. release if the American imperialists would order a total bombing halt and let alone the Laotians to solve their own internal problems," he said.

Colonel Petrasy said that the prisoners were detained in caves in northern Laos.

"Although we regard them as criminals and air pirates, they are being treated humanely," he added.

Colonel Petrasy last year threatened to have the American P.O.W.'s in Laos tried as war criminals.

Observers here believe that Colonel Petrasy has a limited knowledge of the number and whereabouts of United States P.O.W.'s in Laos.

Part II. Summary of reporting on statement by Soth Petrasy, 11 November 1969, re US PWs.

On 11 November 1969, during an interview with newsmen, Soth Petrasy produced a list of 158 names of U.S. personnel missing in Laos. The list was one which the U.S. Government periodically updated, and passed to the International Red Cross for transmittal to Soth Petrasy. Soth Petrasy, according to a UPI report, "made no comment on the names appearing on the list, but stated that the Pathet Lao actually had a number of prisoners in addition to the 158 given".

Western news media, however, reported that the Pathet Lao representative in Vientiane had stated that "more than 158 airmen were being held prisoner in Laos."

In response to a cable inquiry from State Department, American Embassy officials in Vientiane spoke with Soth Petrasy on 13 November about his statement. The Embassy concluded that his claim, that the list of 158 names was incomplete, was based upon the Pathet Lao propaganda claim that 1,183 planes had been shot down since 1964. U.S. Embassay official believed Soth Petrasy had never claimed to possess a list other than the list provided to him by the International Red Cross.

■

COPY OF UPI NEWS ITEM, LAOS, NOVEMBER 11, 1969

VIENTIANE, LAOS (UPI) — A Communist Pathet Lao official said today more than [illegible] American airmen are held prisoner in Laos. He repeated a threat they will be tried as criminals.

Soth Petrasi, Head of the Pathet Lao Delegation in Vientiane, told newsmen a new list had been made available Nov. 5 adding 33 names to the number of U.S. pilots shot down on bombing missions over Communist controlled areas of Laos.

"The United States and Laos have never formally declared war and therefore there will be no prisoners," Soth said. "They will be tried by a Laotian Peoples Court as criminals."

The threat of trials has been made several times in the past by the Pathet Lao, but there has never been any information on whether such trials are actually carried out.

For the first time, Soth said he would make efforts to forward letters and telegrams sent him by the relatives of U.S. airmen believed shot down in Laos. In the past, he has always rejected such requests.

The list that Soth displayed was one which originates from American sources and is forwarded to him periodically by the International Red Cross.

As in the past, Soth made no comment on the names appearing on the list but said the Pathet Lao actually had a number of prisoners in addition to the list given.

U.S. Officials have never admitted to any American air activity over Laos other than reconnaissance flights. But allied sources have disclosed that U.S. air strikes, including support missions for ground forces, involve as many as 500 planes a day over Laos.

Soth said that the list included 51 Americans shot down last year and 41 shot down over Laos between January and June of this year. The U.S. Command lists at least 400 pilots as prisoners in North Vietnam.

In addition, Soth said, the Pathet Lao was holding a large number of military personnel captured in Laos as well as about 30 South Vietnamese prisoners and some nationalist Chinese agents.

PART III. LIST OF INCIDENTS

Date	Name	UTM coordinates	Geographical coordinants
Feb 10 1966	Hunter, R. P., Jr.	Captain, USAF	XD 413458. 106 19, 16 42.
	Kiefel, E. P., Jr	do	
Feb 15, 1968	Mauterer, O.	Major, USAF	WE 761257. 105 43, 17-25.
May 20, 1968	Lane, G. O.	SFC, USA	YD 258028. 107 07, 16 18.
	Owen, R. D.	SSG, USA	
May 13, 1969	Scott, M. J.	SFC, USA	YC 7803. 107 36, 15 23.
	Bessor, B. C.	1st lieutenent, USA	
Jan 2, 1970	Fryar, B. C.	Lieutenant, USN	WE 689422. 105 38, 17 33.
	Brooks, N. G.	do	

Part IV. - Summary of relatively recent information on Americans known to have been alive in captivity in Laos.

Charles Dean, U.S. civilian, and Neil Sharman,[1] Australian civilian, were last reported alive at Ban Phontan, Khammouane Province, 23 February 1975. The report was considered reliable. Either the Hanoi or Vientiane authorities must have information on the fate of these two men.

Debriefing of Thai and Lao nationals released by the Pathet Lao in the prisoner exchange of September through November 1974 produced one sighting report which could not be related to U.S. personnel captured in Laos and later released. Extracts from the report and the DIA evaluation are attached.

No information on missing persons has been received from the Government of the People's Democratic Republic of Laos since it assumed power on 23 August 1975.

Part IV. - Attachment: Extracts from sighting report and from DIA evaluation.

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[1] See pp. 282-286.

SIGHTING REPORT

Source was captured on 14 March 1972; in April 1972 he was held for three days at a Pathet Lao and North Vietnamese Army campsite at Phu Longmat (TG 8927, or 19 13/102 59E), near Ban Na (TG 8636, or 19 18N/102 57E. While at this campsite he observed a Caucasian PW on four separate occasions twice daily for two days. All observations were under adverse lighting conditions and source was never close enough to obtain a detailed description. Source overheard the guards say they were going to send the "American" to Han Vietnam. Source presumed the PW was a flyer because he was wearing a gr flightsuit. Source did not see any patches or insignia on the flightsuit, and it did not appear to him that any had been torn off or removed. The caucasian PW was lying down during each observation, and he did not eat the Lao food given to him. Source assumed the PW was in poor health. The PW was described in approximate terms as; 110 pounds, 30 years of age, 70 inches tall, light bro hair regular length, clean shaven, medium build, no glasses or visible jewelry no distinguishing marks, scars or tatoos visible. After source's temporary stay at this campsite, he was taken to a permanent detention center at Pha V (WF 1884, or 18 50N/105 28E).

EVALUATION

It is not possible to identify the Caucasian seen by source, based on the limited descriptive information he was able to provide. The general descriptive data gave fits several individuals who were lost within a time frame that could account for the PW being held at Phu Longmat.

It is certain, however, the Caucasian seen by source was not subsequently released. The U.S. PWs captured in South Vietnam and moved to North Vietnam for detention did not transit Laos as far north or west at Phu Longmat. Based on the month of the sighting (April 1972, which is believed correct since source was captured only in the preceding month), the sighting does not equate to any of the U.S. PWs captured in Laos and moved to North Vietnam, where they were subsequently released during Operation Homecoming. As of April 1972, all of U.S. PWs were already in North Vietnam, and the remaining months subsequent to April 1972 (Oppel/Mattix in October 1972 and Reiss in December 197.

Part I. Attached is a DIA summary of policy concerning protection of pri sites from bombing by U.S. forces.

Part II.—The Department of Defense is preparing a response based on com puterized files of information on bombing in Indochina. The report will be

by approximately 26 March 1976.

Part I. Summary of policy concerning protection of prison sites from bomb

During the war in Southeast Asia, all known detention sites holding prisoners of war were protected from any bombing action. When a detention facility was identified and confirmed as holding prisoners of war, all military commands were notified to insure that all safety measures would be accomplished and that no bombing of the facility would occur. In Laos, the one Pathet Lao detention confirmed to have held American prisoners of war was located in the Sam Neua area. From time to time temporary bombing restrictions were imposed on other sites which current intelligence indicated might be detention sites for US PWs.

Part II. Department of Defense information on bombing in Sam Neua area and possible use of cave-seeking bombs and missiles.

The Historical Office of the U.S. Air Force indicated that Sam Neua was limits to U.S. air strikes from 1968.

The U.S. Navy initiated use of a guided weapons system in 1967. Research of considerable data available in DOD, however, uncovered no evidence that precision aerial weapons were used in the immediate area of Sam Neua. It is considered doubtful that any of these weapons was used in Laos. Computerized information for the period from 1970 through the end of hostilities obtained from the Pacific Division J 3, Office of the Joint Chiefs of Staff contained no indication of use of such weapons in Laos.

Part I. Attached is a page-size reproduction of a map prepared by the Jo Casualty Resolution Center showing approximately 170 crash sites in Laos

Category One Sites (light blue dots) are positive locations. Category Two (dark blue dots) are probable locations. Category Three sites (red dots)

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[7] Map of crash sites in Laos appears on p. 349.

[illegible] locations whose accuracy is not known. There are approximately [illegible] Category One and Two sites, and 136 Category Three. (JCRC currently lists 25 crash sites.)

Joint Casualty Resolution Center has been asked to provide a printout of all crash sites in Laos, as carried in the JCRC computer files.

Part II. Attached is a CIA map showing landing strips constructed in Laos up to October 1972, including those constructed by the French and taken over by American-supported forces. Many of these strips passed back and forth between enemy and friendly hands with the ebb and flow of the war. The network of safe sites, or defended areas, was based on the landing sites in friendly hands. Some of the safe sites were remote from enemy forces, isolated by terrain and jungle. Some were hilltops surrounded by enemy forces, and safe only in the case that they were well enough defended to permit landings by highly skilled air crews. Others were for some years the centers of relatively large defended areas and safe sites in the common sense of the term. It would not be possible to represent on one map the changing pattern of landing strips and safe sites except for a brief period of time, on the order of one week.

Safe sites maintained by CIA-controlled assets were made known to appropriate USAF officers at 7/13 AF Hqs in Udorn on a daily basis. In addition to safe sites, all locations of CIA-controlled intelligence teams were passed daily to appropriate USAF elements. These locations usually changed on short notice.

Any change in a safe site, such as one being overrun by enemy forces, or reoccupation of an enemy held area by friendly forces, was passed immediately via secure telephone to USAF elements. Changes were also included in the next daily briefing.

In addition to briefing USAF on current positions occupied by CIA-controlled assets, monthly briefings were also held on planned operations. This ensured that CIA-controlled assets did not intrude on areas where USAF was planning missions and vice versa.

In addition to routine daily updating of safe sites, when joint USAF/CIA missions were planned, such as infiltration/exfiltration of intelligence teams, USAF crews taking part in the operation were given detailed safe site locations in the planned operational area.

Part III. Operational reports from CIA-controlled teams were assembled daily at the operations base, screened for reportable information, plotted for location of teams, and studied for immediate tactical planning. After important events had been extracted for monthly reports, the daily reports were destroyed. The abbreviated monthly reports would not permit detailed analysis of team activity. Detailed records can be recovered only in those relatively few instances where team activity was of sufficient importance to be reported immediately to Washington.

Part I.—DIA reviewed its files on MIA cases, and estimated they contained about 300 reports of sightings of American POWs alive in Laos.

The Central Reference Service of CIA produced a listing of intelligence reports which concerned PWs in Laos. From the titles it is estimated that approximately 150 out of the 259 listed reports mentioned sightings of American PWs in Laos. The same reports are probably included in the DIA collection of some 300 reports.

PART II. RÉSUMÉ OF THE PROCESS OF EVALUATING AN INTELLIGENCE REPORT AND COLLATING IT TO PW, MIA AND KIA CASES

DIA holds approximately 300 reports of sightings of U.S. PWs alive in Laos; most of this information, however, cannot be correlated to unaccounted-for U.S. personnel.

In order to put these reports in the proper perspective, the following summarizes the process of evaluating an intelligence report and collating it to PW, MIA, and KIA cases.

The primary objective in analyzing an Intelligence Report (IR) containing possible casualty resolution information is to determine its validity and impact. Most simply stated, the analysis procedures utilized in evaluating an IR involve a comparison of the information in the IR against an appropriate data base. The analysis procedure may be something as fundamental as memory recall;

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[1] Map showing landing strips constructed in Laos prior to October 1972, appear on p. 352.

however, it normally requires more complex methods, such as computer-assisted file searches.

On occasions, the analyst may require elaboration or clarification of information contained in an IR to best evaluate the report. When this is necessary, the analyst specifies his requirements to the collector, who then has the responsibility to initiate recontact with the source.

The end result of the analysis of an IR will fall into one of several categories: (1) The information may be evaluated as accurate and associated with a known individual. It is therefore necessary to file this report in each case file to which the information may relate, with hopes that subsequent reporting will resolve the true identity. (2) The veracity of the information may be impossible to evaluate due to the fact that the IR does not correlate to a known PW and a correlation cannot be made to an MIA or KIA. The report thus becomes an unidentified sighting or grave site. (3) The IR can be shown to be untrue. If there is litle doubt that the information has been fabricated or embellished, the report is not maintained in the DIA PW/MIA files.

After the analyst has completed his analysis of an IR, he records a summary of his evaluation for DIA's files and disseminates copies of the evaluation to the appropriate Military Service or to State Department for its use. JCRC receives copies of all DIA IR evaluations.

The ability of the analyst to sift through often vague, sketchy, or erroneous information is what the IR analysis and evaluation process is all about. Computer assitance has helped to make the analysis of an IR more efficient and accurate than it otherwise could be. However, the experienced analyst should never be underestimated. His accumulated knowledge and his "feel" for the subject matter are invaluable, since he evaluation process is not always void of subjective judgments.

INTERNATIONAL COMMITTEES TO FREE JOURNALISTS HELD IN SOUTHEAST ASIA,

Washington, D.C., April 30, 1973.

On the basis of Zalin Grant's April 11 report which I recently forwarded to you, I sent the following cable to Norodom Sihanouk:

"I have the honor to advise Your Highness that a representative of our international Committee to Free Journalists Held in Southeast Asia on April ninth interviewed a Cambodian rubber plantation supervisor who advised him that in June 1972 he had been held briefly in a regional headquarters camp of the National United Front of Kampuchea and that he saw there ten Caucasian detainees identified by camp guards as foreign journalists.

"This camp was four kilometers east of Kratie City in Kratie Province. We know of your continuing interest in the missing journalists and feel certain that you would like to pursue this latest information as to their possible whereabouts. Naturally we and the journalists' families will greaty appreciate anything you can do in this regard. Incidentally, Mrs. Lily Loomis asks especially that I convey to you her great respect."

Sincerely yours,

WALTER CRONKITE.

Early this week the following cable was received from Sihanuok:

"In reply to your cable 18 April inform you that at the time of my last visit to the liberation zone of Cambodia I personally interrogated the leaders of the internal resistance concerning the missing. These leaders assured me that our Funk and our Fapluk had not seen any of them. At the present time we do not have any prisoners here—American, European, or Japanese."

High Consideration.

NORODOM SIHANOUK,
Chief of State of Cambodia.

CBS Vice President Gordon Manning is now in China. He has the Grant report and was advised before leaving Hong Kong of Sihanouk's answer. I asked him should he be able to see Sihanouk, to urge him to investigate the specifics of the Grant report. We await Manning's report.

Meanwhile, the Overseas Press Club has presented us with the President's Award (Jack Raymond) of $3,250 which is taking care of our indebtedness and

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

7 DEC 1977

U-48,814/DB-4H

TO: Captain Raymond A. Vohden, USN
Principal Advisor Office of
PW/MIA Affairs
OASD/ISA
Room 2E282
The Pentagon
Washington, D.C. 20301

COLONEL (RET.) EARL P. HOPPER
14043 NORTH 84th DRIVE
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SUBJECT: Pathet Lao Knowledgeability on U.S. PWs

1. The enclosed report provides a summation of information held by DIA regarding the degree of knowledgeability possessed by the Pathet Lao on U.S. personnel unaccounted for in Laos.

2. In part four of the report, it is indicated that Appendix H displayed an ID card showing only the top portion of an individual's head. It has now been determined that this individual is [redacted], USA (killed-in-action/body not recovered), who was a member of the C-47 crew downed over the Plaines des Jarres area of Laos on 23 March 1961.

FOR THE DIRECTOR:

1 Enclosure a/s

BRUCE L. HELLER
Commander, USN
Chief, PW/MIA Branch
Resources and Installations
Division
Directorate for Intelligence
Research

DEFENSE INTELLIGENCE AGENCY
WASHINGTON, D.C. 20301

PATHET LAO KNOWLEDGEABILITY REGARDING U.S. UNACCOUNTED-FOR PERSONNEL

This document summarizes information held by DIA regarding the degree of knowledgeability possessed by the Pathet Lao (PL) on U.S. personnel unaccounted for in Laos. This information will be presented in three major sections: (1) Past Pathet Lao Statements regarding U.S. PW/MIAs; (2) Recent (after 1973) Pathet Lao Statements concerning Knowledgeability of U.S. PW/MIAs; (3) Recent Information reporting PL Efforts to Obtain Information on, and Remains of, U.S. Personnel. Additionally, a detailed evaluation of recently acquired Pathet Lao films which demonstrate PW/MIA knowledgeability will be presented.

Prior to the cessation of hostilities in Laos, the Pathet Lao had, on many occasions, made statements which tend to indicate that they had knowledge of U.S. PWs in that country. Enclosure 1 provides a compendium of such Pathet Lao statements.

In sharp contrast to these pronouncements, the Pathet Lao have, since the termination of Operation Homecoming, claimed to have no knowledge of U.S. personnel unaccounted for in Laos. Enclosure 2 illustrates and briefly evaluates recent (after 1973) Pathet Lao statements concerning their knowledgeability of U.S. unaccounted-for personnel.

Within the past year, a number of reports have been received which indicate that the present Lao Government has initiated efforts to search for the remains of unaccounted-for U.S. personnel. Enclosure 3 provides a summary of the information contained in these reports.

Recently, Pathet Lao propaganda films were obtained through intelligence channels. A few of these films contained very short segments which show that the Lao possess information on U.S. personnel lost in Laos. Enclosure 4 provides a summary of the information depicted on these films.

PAST PATHET LAO STATEMENTS REGARDING U.S. PWs

- In September 1968, Soth Petrasy, who was at that time, the permanent Pathet Lao representative in Vientiane, told a U.S. official that "pilots are generally kept near the area in which their plane is downed and therefore may be found throughout Laos from the south to the north."

- During a conversation [illegible] U.S. personnel and Soth on 1 May 1971, Soth was asked [illegible] the Pathet Lao had not released a list of prisoners similar to that released by North Vietnam. Soth said that the situation in Laos was different from that in North Vietnam because bombing of North Vietnam had ceased. He added that in Laos there is no means of co[illegible]munication between villages even under normal conditions. Soth stated that it was often not possible because of U.S. air activity to reach the site of a downed plane to ascertain the fate of the pilot. For these reasons, Soth ventured, it was impossible for the Pathet Lao to compile a complete list. At this meeting, he further stated that prisoners were being held in various regions of Laos and were well treated.

- In the course of a February 1972 interview, Soth made a statement to the effect "that some tens of prisoners are presently being held" by the Pathet Lao. ✓

- During an April 1972 interview, Soth spoke about prisoners, including many U.S. airmen, being detained in secured areas inside various caves in northern Laos. ✓ Saw Here

- On 21 April 1972, Soth reportedly stated that "there are many American PWs held in liberated areas of Laos," but he would not provide specific figures.

- During an April 1972 interview with a Swedish correspondent, Prince Souphanouvong, formerly the Chairman of the Lao Patriotic Front Central Committee and currently the President of the People's Democratic Republic of Laos, was asked to comment on the Pathet Lao policy toward captured enemy soldiers and American pilots. In response, Prince Souphanouvong made the following statement:

> "The LPF (Lao Patriotic Front) has made public a concrete policy toward enemy soldiers or agents captured or giving themselves up, including GIs. All the American pilots engaged in bombings or toxic chemical sprays of Lao territory are considered criminals and enemies of the Lao people. But once captured, they have been treated in accordance with the humane policy of the LPF. The question of enemy captives, including U.S. pilots, will be settled immediately after the U.S. stops its intervention and aggression in Laos first, and foremost, ends the bombing of Laos territory."

Prince Souphanouvong's statement, together with statements made by Soth Petrasy, indicate that the Pathet Lao held American prisoners.

RECENT PATHET LAO STATEMENTS CONCERNING THEIR KNOWLEDGEABILITY OF U.S. UNACCOUNTED-FOR PERSONNEL

DIA Statement X

Known POWs!

- On 6 April 1973, after the completion of Operation Homecoming, a U.S. Senator met with Soth Pathasy, who was the permanent Pathet Lao representative in Vientiane. During the course of their discussion, Soth stated: "The LPF (Lao People's Forces) has released all U.S. prisoners captured in Laos." However, the nine U.S. personnel who had be[illegible]ptured in Laos and who were released in Hanoi during Opera[illegible] Homecoming were all captured by North Vietnamese forces operating in Laos and moved to North Vietnam for detention. There were a small number of U.S. personnel who were known to have been captured by the Pathet Lao who were not accounted for during Operation Homecoming. Th[illegible] is no information on these individuals to indicate they we[illegible] alive subsequent to 1968.

- The only U.S. prisoner acknowledged by the Pathet Lao since Operation Homecoming was Mr. Emmet J. Ray, a U.S. civilian, who was captured on 7 May 1973 and released on 18 September 1974. On 6 September 1974, Phoumi Vongvichit, the PL Deputy Prime Minister, stated categorically to then U.S. Ambassador Charles Whitehouse that Mr. Ray was the only prisoner being held by the PL. However, it was subsequently ascertained that another U.S. civilian, Mr. Charles Dean, and his Australian companion, Mr. Neil Sharman, had been captured in Laos in early September 1974. To date, the Pathet Lao have denied any knowledge of these two individuals although there was conclusive evidence that they were still alive as of February 1975.

- On 19 and 20 March 1977, the Presidential Commission on Missing and Unaccounted-for in Southeast Asia visited Vientiane. At that time Houphan Sithpasay, Lao Vice Minister of Foreign Affairs made the following statement:

> "Now I wish to assure you that there are no Americans who have been captured and are alive in Laos. The Americans that the Lao have captured during the war have all been returned to the U.S."

However, as was previously mentioned, the latter part of his statement is definitely contrary to known facts.

Transcript of Bud McFarlane Oct. 9, 1985 at
Evans&Novak Political Forum The Madison Hotel

COLONEL (RET.) EARL P. HOPPER
14043 NORTH 64th DRIVE
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Answer # 1: Quote: The question concerns my view on the recurring evidence and reports that there are live Americans in Indochina. This is a very anguishing kind of problem. First of all you want to believe and there is quite a lot of evidence given by people who have no ulterior motive. They have no reason to lie and they are telling things that they have seen. And so you try and do your best to check out every one of these and you interrogate refugees, people coming over borders and boat people. You use your own intelligence from third countries. You try and find out if anyone is going to come out ... what is reported here, what happened in X city and Y place and Z date. Because of the volume of these reports I think a lot of people believe that there must surely be a cover-up. I have to tell you I've leaned on DIA and gone into and had my guys look into every chapter and verse on it... if there's any basis for credible belief that there are live persons there and I come away saying that we haven't yet found the evidence.

Now, how do I really feel about it ? I do think there has to be... there have to be live Americans there. I think there are things we haven't done yet that we can do but we're working on these.

Answer # 2: Quote Well, even in an off-the-record session I don't think that I can say much about it. There is what is obviously public and that is we're negotiating with the Vietnamese. What I think success is we've finally got it into their heads that we're not going to talk about normalization or aid programs or anything else until they account for all our people. I think they didn't believe that in the last Administration and they do now. But that doesn't go to your question. I think you can, however, in those negotiations provide them with a lot of pretexts for how they could suddenly ten years later turn up with some live people... that they were defectors... that there were other reasons... it was not the Vietnamese' fault and all of that but which whatever they may need. It wouldn't bother us. But you have to do more in the way of intelligence collection is the end result of what you have to do. We are doing more... there is more that we ought to be doing than we are. And I think we shall very soon. But I'm not going to talk about it.

Answer # 3: Quote Well, John, I don't think there's any way to give you a good answer to that. What you need to do is to have better human intelligence in Vietnam. Now we don't. And it takes a long time to get it. But I wouldn't pretend to you that we've done enough to even start. And that's bad and that's a failure...

tape runs out

Le Thi Anh
3I05 Crest Avenue
Cheverly, MD.20785
Tel. 3oI 773-5435

Extract

November 6, I985

Mr. George Brooks
Chairman of the Board
The National League of Families
Of POW'S & MIA'S in S.E.A.
I6 Cresthaven
Newburgh, N.Y. I2556

COLONEL (RET.) EARL P. HOPPER
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Dear George:

The publication of these articles describing the way Soviet defector Vitaly Yurchenko has been handled by CIA debriefers prompts me to write to you. His complaints, his discontinuation of cooperation, the way he has been treated are very reminiscent of the way refugees who came forward with information about live prisoners have been handled by DIA. After a certain period of being debriefed by the DIA, many discontinued cooperation. I can hardly find a refugee who would tell me that he was pleased with the way the debriefers handle him, or even that his handling has been proper, considerate and even courteous. Instead, the words"insulting"and"exploitation"have been used many times by refugees to describe their treatment. There was a total disregard for the refugee's need for confidentiality.

That was the reason I resigned in I984. A copy of my letter of resignation is attached to refresh your memory. This year I found out that the way the League treats the refugees is not much better than the DIA's. Considering the Misinformation Report. Someone dubs it "Model of Misinformation". It printed so many inaccuracies planted there to tear down people's reputation. Why did the League feel the need to drag us into this kind of false accusations?

I wrote the Yurchenko case is similar to the case of the refugees. There are, however, two differences:

- The refugees are not defectors (only a few are). They are people trying to help the families find out about their missing. Yet the refugees(with live sightings) have been quarantined and treated in the same heavy manner as the Soviet defector. Remember Lam Huu Van

He fainted in the middle of an eight day interrogation in Washington D.C. in I982.

- Unlike the Soviet defectors, the refugees being debriefed were not paid any money for their time. The most recent case is that of Nguyen Huu Dinh who has been interviewed for seven or eight sessions of 5 to 6 hours each in I984. Dinh has a I4 year old son and like every other refugees, he has to worry about putting a roof on their heads, clothes on their bodies and food in their stomachs. Dinh discontinued after the 8th session because he has been asked to sign a paper acknowledging that either he fabricated the stories or those have been mouthed to him by me. The mouthing was supposed to be done by mail from Maryland to Chimawan Refugee camp in Hongkong, and later to Bataan in the Philippines where he had been debriefed by US officers for over IOO hours before his arrival in the U.S.

Dinh wrote to me a total of I6 letters, including 5 maps. No one can put into the mouth of another person that much information by mail - and do it undetected by JCRC's scrutiny for over eight months of interrogation in the refugee camps.

And again the question is: Why would I fabricate the information and send it to Dinh and tell him to write back to the League in the first place? Dinh was shown serox copies of all the letters I sent him, including a few small checks I sent him with my own money to help him buy toothpaste and stamps etc... Although the paper he was asked to sign was his main reason for discontinuing cooperation, the lack of compensation for his time was a not less important reason.

As I wrote to you earlier, I cannot vouch for Dinh any more than I can for other refugees. The mishandling is not restricted to Dinh. It is a pattern that applies to most cases; the most recent ones are general Lam Van Phat, who arrived in the U.S. in the Fall of I984, Mr. Soukanh Sisountone, a Laotian former Congressman living in France, a Frechman of Vietnamese descent named Kim (not his real name) living in Paris but making frequent business trips to Vietnam, and Mr Vo Kim Cuong from England.

Another case of DIA mishandling of refugees is my own case. As you well know, FBI investigated me, my mail was opened, I was being charged of being a Communist. (A Vietnamese language newspaper charged that I was a Communist; with the help of a lawyer, I am suing it for libel. DIA charges have leaked to the Vietnamese community and are being used by communist disformation in this country to discredit me)

Dear George, after the mishandling of Lam Huu Van in Paris in I98I, I had wanted to resign, but I reconsidered. I saw that DIA was more interested in finding what motivated the refugees to come forward with the report than with finding out where and if the prisoners were being held or the information about the remains etc. The reason is unknown to me. We were treated like little criminals with tactless requests to take lie detector tests etc... I have considered resigning many times. I reconsidered, thinking that I worked for the families, and they did not treat me the way DIA was treating me.

The Misinformation Report proved I was deadly wrong. The reason for my resignation was stated in my letter of resignation. One of the reasons was that each year I heard DIA officials declare to the assembled Families that they were "vigourously pursuing" followup investigations with refugees with first hand live sightings, and I knew that could not be true because most of those refugees who contacted the League through me have told me that they have discontinued cooperation with DIA. I knew it to be true because I was often asked by DIA to see if I could persuade them to renew cooperation.

On the subject of the Misinformation Report's mixup of Dinh's story with Nam Rau's story, he derserves a correction. I do too, regarding the false assertion that I was fired. I called the League office a few days after the League Annual Meeting and asked what they planned to do to correct the misplaced charges. Dinh was fishing in New Orleans at that time and was not told of the charges. I asked to talk to Ann, but she refered me to another Staffer who told me that she said she would put a correction in the next newsletter. Ever sin ce, I have not seen any correction. Dinh is back in the D. C. area since last month. He is quite unhappy with his being falsely charged and attacked for the wrongdoings of another person. If the charges were made among a small number of people, it probably would not need much correction, but you well know that the charges were printed, Dinh may be an idiot, but he knows that they call for corrections in the same place and manner they were printed and distributed.

Dear George, we may be stateless, homeless and penniless refugees, but we still have our honor as human beings. We don't want to have our honor trampled upon the way it has been done in that Misinformation Report.

Dear George, I am in this endeavour to help find out about the fate of the missing Americans. I believe you are too. As you well know, I am forwrding the dozens of letters I received to League members and a few recent ones to you. My work will not stop until the last POW comes home.

I think it is terribly unfair to me that the time I devote to helping the missing men and their families should be wasted in this manner . I am not a DIA interviewer, I never lost sight of the main purpose of my POW/MIA efforts, which is to gather information that will help determine the fate of the missing Americans.

But, please George, read the accusations brought against Dinh and me in the Report. When you are printing and distributing false accusations about people, you are forcing them to reply, or to seek redress.

Sincerely yours

Le Thi Anh

P.S. You assured me that you followed up with each refugee report. How can I believe it if you failed to notice the mixup between two recent live sighting reports?

F/. Note: See Pages 3-6-7 on war Wounded

[redacted]

CIA

COLONEL (RET.) EARL P. HOPPER
14043 NORTH 64th DRIVE
GLENDALE, ARIZONA 85306
(602) 979-5651

FIR-317/09155-76

COUNTRY: VIETNAM

DOI : LATE MARCH-JULY 1976

SUBJECT: 1. AMERICANS REMAINING IN SAIGON AND REPORTED CAPTURE OF TWO AMERICANS NEAR VUNG TAU

2. AMERICAN PRISONERS, INCLUDING WAR WOUNDED, ALLEGEDLY STILL BEING HELD IN VIETNAM

ACQ : [redacted]

SOURCE : [redacted]

[redacted]

APPROVED FOR RELEASE
DATE 5 APR 1985

[redacted]

[redacted]

SUMMARY. AS OF MID-MAY 1976 TWO AMERICANS WHO WERE FORMERLY EMPLOYED AT LONG BINH BASE WERE LIVING IN THE INTERNATIONAL RED CROSS COMPOUND IN SAIGON. THEIR NICKNAMES AND PHYSICAL DESCRIPTIONS ARE GIVEN. IN LATE NOVEMBER 1975, THE COMMUNISTS CLAIMED THE CAPTURE OF TWO AMERICAN AND ABOUT 20 VIETNAMESE IN VUNG TAU AND SUBSEQUENTLY THE COMMUNIST AUTHORITIES THERE HELD A MOCK TRIAL

[redacted]

TO TRY THESE PRISONERS. IN MAY 1976 A NORTH VIETNAMESE CADRE WHO HAD BEEN SENT TO SAIGON TOLD A SOUTH VIETNAMESE CONTACT THAT HE HAS SEEN "MANY" AMERICAN PRISONERS IN HANOI WHO WERE SUFFERING FROM WAR WOUNDS OR MENTAL DISORDERS. IN THE FIRST HALF OF 1976 NORTH VIETNAMESE OFFICERS TOLD [redacted] THAT SERIOUSLY ILL AMERICAN PRISONERS WERE STILL BEING HELD IN NORTH VIETNAM BECAUSE THE COMMUNISTS FEARED THEIR RELEASE WOULD HAVE AN UNFAVORABLE IMPACT ON PUBLIC OPINION. [redacted] SECURITY OFFICIAL [redacted]." END SUMMARY.

~~SECRET~~

[redacted]

1. TWO MALE AMERICANS WERE LIVING [redacted] IN SAIGON AS OF MID-MAY 1976. BOTH MEN FORMERLY WERE EMPLOYED AT LONG BINH BASE, [redacted]6.

2. ONE OF THE MEN WAS NAMED "JOHNNY" OR JIMMY" (LNU). HE WAS 28-30 YEARS OLD, APPROXIMATELY 170 POUNDS, AND 5 FEET 8 INCHES TALL. HE HAD CURLY DARK BROWN HAIR WITH A GOATEE, BROWN EYES, FAIR COMPLEXION, MUCH BODY HAIR, AND NO NOTICEABLE SCARS. HE WORE GLASSES AND HAD A MANNERISM WHICH WAS DESCRIBED AS SHRUGGING HIS SHOULDERS OFTEN. THIS MAN WAS KNOWN TO SPEAK ONLY ENGLISH. HIS HEALTH APPEARED TO BE GOOD.

3. THE SECOND MAN WAS NAMED "BILL" (LNU). HE WAS IN HIS EARLY 30'S, WAS LESS THAN 5 FEET 8 INCHES TALL, AND WEIGHED ABOUT 180 POUNDS. HE HAD DARK BROWN HAIR, A RUDDY COMPLEXION, AND NO NOTICEABLE MANNERISMS. IN ADDITION TO ENGLISH, HE SPOKE SOME VIETNAMESE AND A LITTLE FRENCH.

[redacted]

4. [redacted] TWO AMERICANS AND ABOUT 20 VIETNAMESE HAD BEEN CAPTURED IN THE SMALLER OF TWO MOUNTAIN AREAS NEAR BACK BEACH IN VUNG TAU. [redacted] THE COMMUNIST AUTHORITIES HAD REQUIRED THEM TO GO TO THE CITY CENTER WHERE THEY SAW TWO AMERICANS AND ABOUT 20 VIETNAMESE TIED TOGETHER BEING MARCHED THROUGH THE STREETS. THE AUTHORITIES STATED THESE PRISONERS HAD BEEN CAPTURED IN THE SMALLER MOUNTAIN AREA, WHICH WAS PLACED OFF LIMITS BECAUSE OF THE CONTINUED PRESENCE OF RESISTANCE FORCES THERE. [redacted] DID NOT PROVIDE [redacted] PHYSICAL DESCRIPTIONS OF THE AMERICANS THEY SAW. [redacted] A MOCK TRIAL FOR THESE PRISONERS WAS CONDUCTED IN AN OPEN BEACH AREA, AT WHICH THE COMMUNIST PROSECUTORS SAID THAT ANYONE BEARING ARMS AGAINST THE COMMUNIST REGIME WOULD BE SENTENCED TO DEATH. NO PRISONERS WERE PRESENT AT THE TRIAL AND NO SPECIFIC MENTION OF AMERICANS WAS MADE DURING THE TRIAL. ALTHOUGH ALL PRISONERS WERE SENTENCED TO DEATH, [redacted] DID NOT KNOW WHETHER ANY OF THE AMERICANS WERE

[redacted]

EXECUTED, BUT [redacted] SAID THAT ONE VIETNAMESE EX-COLONEL CAPTURED ON THAT OCCASION HAD BEEN KILLED.

[redacted]: WHETHER THE TWO CAPTURED INDIVIDUALS IDENTIFIED AS "AMERICANS" WERE ACTUALLY NON-AMERICAN CAUCASIANS CANNOT BE DETERMINED. ALTHOUGH THE COMMUNIST AUTHORITIES CLAIMED THESE "AMERICANS" WERE INVOLVED IN RESISTANCE ACTIVITIES, THEY POSSIBLY WERE MERELY IN HIDING [redacted]

5. IN MAY 1976, [redacted], A SAIGON RESIDENT [redacted], SAID A FRIEND OF HIS TOLD OF SEEING "MANY" AMERICAN PRISONERS IN THE HANOI AREA. THE FRIEND ADDED THAT ALL OF THE PRISONERS WERE EITHER SERIOUSLY INJURED, I.E. CRIPPLED BY WAR WOUNDS OR SUFFERING FROM MENTAL DISORDERS RELATING TO THEIR LONG IMPRISONMENT OR HARSH TREATMENT. [redacted] FRIEND, WITH WHOM HE WAS IN FREQUENT CONTACT, WAS A NORTH VIETNAMESE [redacted]

[redacted]

[redacted]

[redacted]: THE TIME FRAME FOR THE OBSERVATION OF AMERICAN PRISONERS IS UNKNOWN. [redacted]).

6. IN THE FIRST HALF OF 1976, [redacted], SAID THAT ON SEVERAL OCCASIONS NVA OFFICERS, [redacted], SAID THAT AMERICAN PRISONERS WERE STILL BEING HELD IN NORTH VIETNAM. THEY ALSO TOLD [redacted] THAT SINCE THESE PRISONERS WERE ALL SICK OR BADLY INJURED, THE DEMOCRATIC REPUBLIC OF VIETNAM (DRV) AUTHORITIES WERE AFRAID OF A POSSIBLE UNFAVORABLE IMPACT ON PUBLIC OPINION SHOULD THEY BE RELEASED. [redacted]: THE TIME FRAME FOR THE CONTINUED DETENTION OF THESE AMERICAN PRISONERS IS UNKNOWN.)

7. IN JULY 1976, [redacted], A NVA SECURITY OFFICIAL [redacted]

[redacted]

[redacted]. WHEN [redacted] [redacted] ASKED WHAT WOULD HAPPEN TO "MORE THAN 10 AMERICANS STILL IN VIETNAMESE JAILS, [redacted] REPLIED THAT "THEY WOULD BE HANDLED SEPARATELY." [redacted].

[redacted]

1 342541

PAGE 1 OF 8 PAGES

[redacted]

Info. Col. Hopper [redacted]

COUNTRY LAOS

DOI 1967 A 17 APRIL 1971

Female

SUBJECT REPORTS OF TWO AMERICAN MALE AND ONE AMERICAN FEMALE HELD PRISONER BY THE PL/NVA NEAR SAM NEUA IN APRIL 1971 AND IN THE LAO NGAM AREA IN 1967-68

ACQ [redacted]

SOURCE

SUMMARY. ON 17 APRIL 1971 AND CIRCA 1967-1968 A GROUP OF TWO AMERICAN MALES AND ONE AMERICAN FEMALE WERE OBSERVED IN CAPTIVITY UNDER THE CONTROL OF PATHET LAO AND NORTH VIETNAMESE GUARDS. THE 1971 SIGHTING TOOK PLACE IN BAN TONG, A VILLAGE NEAR SAM NEUA IN HOUA PHAN PROVINCE. THE EARLIER SIGHTING OCCURRED IN A VILLAGE NEAR LAO NGAM JUST NORTH OF THE BOLOVENS PLATEAU IN SOUTH LAOS. PHYSICAL DESCRIPTIONS AND DETAILS SURROUNDING THEIR CAPTURE AND SUBSEQUENT CONFINEMENT ARE PROVIDED. END OF SUMMARY.

54

[redacted]

APPROVED FOR RELEASE
DATE 26 OCT 1978

IN 342542 -

TDCS

PAGE 2 OF 8 PAGES

1- Sam Neua
1- taken to Hanoi.

[redacted]
(classification) (dissem controls)

Two women POWS

1. SOURCE OF [redacted]

2. AS OF 17 APRIL 1971 TWO AMERICAN MALE, ONE AMERICAN FEMALE AND TWO THAI PRISONERS WERE HELD AT BAN TONG /VH 279613/ 25 KILOMETERS /KMS/ NORTHEAST OF SAM NEUA /VH 0057/ IN HOUA PHAN PROVINCE. [redacted] COMMENT. THE NAME OF THE TOWN AS RELATED BY THE GUERRILLA [redacted] MEMBER SOUNDED LIKE QUOTE BATONG UNQUOTE. WHEN SHOWN A 1-50:000 SCALE MAP OF THE AREA EAST OF SAM NEUA THE GUERRILLA CONCLUDED THAT THE TOWN WAS BAN TONG. [redacted] DID NOT SAY BATONG NEUA. A BAN TONG NEUA IS TWO KMS SOUTHWEST OF BAN TONG AT VH 268597./ [redacted] AND 15 NORTH VIETNAMESE ARMY /NVA/ TROOPS WENT TO BAN NAKAY NEUA /VH 197573/ FOR THE CELEBRATION OF BUDDHA'S BIRTHDAY ON 15-16 APRIL, AND WENT TO BAN TONG AFTERWARD TO VIEW THE PRISONERS. ON 17 APRIL

OVER

[redacted]

[redacted]

(classification) (dissem controls)

E PRISONERS WERE SITTING IN THE VILLAGE AREA OF BAN TONG D A NUMBER OF PEOPLE FROM THE AREA HAD COME TO LOOK AT EM.

3. [redacted]. ORDER OF BATTLE /OB/ HOLDINGS CANNOT CONFIRM A RISON AT BAN TONG. HOWEVER, A POLITICAL PRISON WAS EPORTED THERE IN MID-DECEMBER 1968. CURRENT OB HOLDINGS ONFIRM PRISONS IN THE BAN NAKAY NEUA AREA AND IN THE HANG ONG /VH 1362/ AREA, 10 KMS NORTHEAST west OF SAM NEUA. THERE IS NO RECENT PHOTOGRAPHIC COVERAGE OF THE BAN TONG AREA.

4. NONE OF THE PRISONERS APPEARED TO BE OF VERY ARGE STATURE. THEIR CLOTHES WERE OLD AND WORN. ONE OF THE AMERICAN MEN HAD LONG WHITE HAIR PUSHED STRAIGHT BACK OVER HIS HEAD AND PAST HIS EARS. THE AMERICAN WOMAN WAS YOUNG. HER HAIR WAS COVERED BY A CLOTH WRAPPED AROUND IT LIKE A TURBAN.

5. [redacted] COMMENT. ACCORDING TO A FORMER PL TRUCK DRIVER WHO RALLIED IN AUGUST 1969, IN EARLY FEBRUARY 1965 TWO AMERICAN JET AIRCRAFT WERE SHOT DOWN WHILE HE WAS IN BAN NAKAY NEUA. ONE PILOT PARACHUTED SAFELY AND WAS CAPTURED BY PL FORCES. A PILOT AND FEMALE PASSENGER PARACHUTED

[redacted]

[redacted]

(classification) (dissem controls)

FROM THE OTHER AIRCRAFT AND LANDED NEAR BAN BAK /VH 1857/, ONE KM WEST OF NAKAY NEUA. THE WOMAN BROKE A LEG ON LANDING AND THE PILOT SUSTAINED MULTIPLE INURIES. THE TRUCK DRIVER SAID THE WOMAN WAS A BLOND, BUT COULD NOT PROVIDE ANY DISTINCTIVE FEATURES OF THE OTHER AMERICANS. ALL THREE AMERICANS WERE KEPT IN A CAVE FOR ONE DAY AND WERE THEN TAKEN TO HANOI.

not released 1973

6. TEN NVA TROOPS GUARDED THE PRISONERS. THE GUARDS TOOK THE PRISONERS OUT OF BAN TONG TO WORK DURING THE DAYTIME AND BROUGHT THEM BACK AT NIGHT.

7. [redacted] COMMENT. THE GUERRILLAS OBTAINED NO OTHER DETAILS COVERING THE ABOVE PRISON OR PRISONERS. [redacted] SAID HE DID NOT KNOW OF ANY OTHER PRISONS WHERE FOREIGNERS WERE INCARCERATED IN THE SAM NEUA OR NAKAY NEUA AREAS.

8. SOURCE [redacted]

[redacted]

131

[redacted]

[redacted]

AS A POOR MEMORY, IS DULL-WITTED AND HAS POOR JUDGEMENT ONCERNING DISTANCE, HEIGHT, WEIGHT AND AGE.

9. IN CIRCA 1967-1968 VILLAGERS IN BAN NA SIAT UNLOCATED/ IN THE LAO NGAM /XC 2509/ AREA OF SARAVANE PROVINCE TOLD [redacted], WHO WAS VISITING THE VILLAGE, THAT A COMBINED NVA/PL PLATOON HAD THREE AMERICAN PRISONERS OUTSIDE THE VILLAGE. [redacted] COMMENT. [redacted] WAS NOT SURE OF THE LOCATION OF THE VILLAGE, BUT BELIEVED IT WAS IN THE XC 3406 AREA, NINE KMS SOUTHEAST OF LAO NGAM. A BAN NA SIAT DOES NOT APPEAR ON LOCAL MAPS OF THE AREA, BUT A LOCALLY PUBLISHED GAZETTEER DOES IDENTIFY A BAN NASIAT AS LOCATED AT XC 0424, 26 KMS NORTHWEST OF LAO NGAM AND 16 KMS EAST OF KHONG SEDONE /VC 8734/. IT IS NOT CONSIDERED LIKELY THAT AMERICAN PRISONERS WOULD BE HELD AT THIS LATTER LOCATION BECAUSE IT IS TOO CLOSE TO RLG-CONTROLLED AREAS./

10. [redacted] VIEWED THE PRISONERS FROM A DISTANCE OF ABOUT 20 METERS. TWO OF THE PRISONERS WERE MALE AND ONE FEMALE. THEY WERE GUARDED BY SEVEN NVA AND 17 PL SOLDIERS. [redacted] COMMENT. WHEN ASKED WHY HE DID NOT APPROACH ANY

[redacted]

CLOSER THAT 20 METERS TO THE PRISONERS, [redacted] REPLIED THAT ALTHOUGH VILLAGERS COULD APPROACH TO WITHIN A FEW METERS, PL PERSONNEL WERE NOT AUTHORIZED TO COME IN SIGHT OF OR IN DIRECT CONTACT WITH PRISONERS UNLESS ORDERED TO DO SO./ ONE OF THE PL GUARDS TOLD [redacted] THAT THE THREE WERE CAPTURED NEAR PHOU /MOUNTAIN/ DOK MAY / UNLOCATED, BUT POSSIBLY IN THE XC 4604 AREA/ NEAR PAKSONG /XB 3370/. THE PRISONERS WERE CAPTURED THREE DAYS BEFORE ARRIVING IN BAN NA SIAT. THE GROUP HAD STOPPED IN BAN NA SIAT FOR LUNCH AND LEFT 30 MINUTES LATER. [redacted] LATER HEARD THEY HAD BEEN TAKEN FROM BAN NA SIAT TO BAN NONG KE /POSSIBLE XC 1613, ALTHOUGH TWO OTHER VILLAGES BY THAT NAME ARE LISTED AT XC 2209 AND XC 1602/ IN THE LAO NGAM AREA WHERE THE PL/NVA SARAVANE PROVINCE HEADQUARTERS WAS LOCATED. THE PRISONERS REMAINED AT BAN NONG FOR ABOUT ONE MONTH AND WERE THEN TAKEN TO HANOI.

Where?

11. ONE OF THE MALES WAS ABOUT 40 YEARS OLD, WAS DRESSED IN A KHAKI UNIFORM, WORE SUNGLASSES AND SHOES, WAS ABOUT FIVE FEET TEN INCHES TALL WITH A STRONG BUILD, HAD BROWN HAIR AND A RED COMPLEXION. THE OTHER MALE WAS

[illegible]

[redacted]

[redacted]

(classification) (dissem controls)

ABOUT 30 YEARS OLD, WORE PRESCRIPTION-TYPE EYEGLASSES AND
SHOES, WAS SHORTER THAN THE FIRST MALE BUT ALSO WITH A
STRONG BUILD, HAD BROWN HAIR AND A RED COMPLEXION. THEY
ID NOT HAVE ANY INSIGNIA ON THEIR CLOTHING. THE FEMALE
AS ABOUT 30 YEARS OLD, ABOUT 1.50 METERS TALL, HAD LIGHT
SKIN AND WORE SUNGLASSES. A PL GUARD TOLD [redacted] THAT
HE MEN HAD BOTH BEEN ARMED AND HAD CARRIED COMPASSES, MAPS,
D A RADIO. THE WOMAN HAD A SMALL HAND GUN. HER SHOES
AD BEEN TAKEN AWAY FROM HER AFTER SHE ATTEMPTED TO HIDE
HE GUN IN THEM. AT FIRST THE NVA HAD TAKEN THE SHOES
ROM ALL THE PRISONERS, BUT GAVE THEM BACK WHEN THE PRISONERS
EFUSED TO WALK. THE THREE WERE NOT MISTREATED IN ANY WAY
HILE [redacted] WAS THERE.

Female

12. [redacted] COMMENT. [redacted] WAS NOT POSITIVE THAT THE
WO MALES WERE AMERICAN BECAUSE OF THEIR REDDISH SKIN. HE
S CONFIDENT, HOWEVER, THATTHE FEMALE WAS AMERICAN. [redacted]
[redacted] CLAIMED
HAT AN AMERICAN OCCASIONALLY VISITED THERE AND TAUGHT HIM
EGLISH. FOR THIS REASON, [redacted], WHO CAN SPEAK SOME
GLISH, BELIEVES HE CAN IDENTIFY AMERICANS. [redacted] BELIEVED

[redacted]

TDCS

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[redacted]

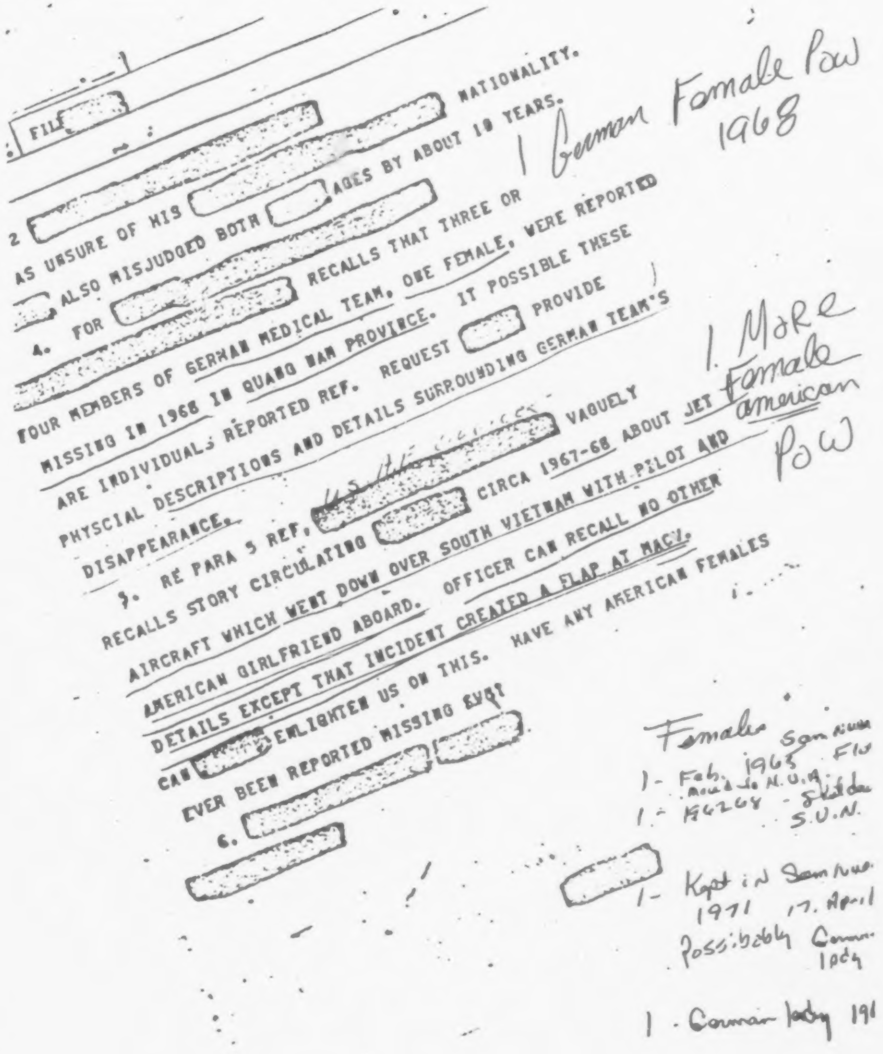
(classification) (dissem controls)

THE PRISONERS WERE MEMBERS OF A QUOTE GEOGRAPHIC SURVEY TEAM UNQUOTE, ALTHOUGH HE COULD OFFER NO EVIDENCE TO SUPPORT THIS BELIEF.

13. [redacted] DISSEM. STATE ARMY AIR USAID/DIRECTOR ONLY/ USIS /DIRECTOR ONOY/ CINCPAC ARPAC PACAF PACFLT MACV/JPRC 7TH AF 7/13TH AF TFA/NKP 7TH RRFS [redacted]

[redacted]

[redacted]



FIL[redacted]

2 [redacted] NATIONALITY.

AS UNSURE OF HIS [redacted] AGES BY ABOUT 10 YEARS.

[redacted] ALSO MISJUDGED BOTH [redacted]

4. FOR [redacted] RECALLS THAT THREE OR FOUR MEMBERS OF GERMAN MEDICAL TEAM, ONE FEMALE, WERE REPORTED MISSING IN 1968 IN QUANG NAM PROVINCE. IT POSSIBLE THESE ARE INDIVIDUALS REPORTED REF. REQUEST [redacted] PROVIDE PHYSCIAL DESCRIPTIONS AND DETAILS SURROUNDING GERMAN TEAM'S DISAPPEARANCE.

5. RE PARA 5 REF, [redacted] VAGUELY RECALLS STORY CIRCULATING [redacted] CIRCA 1967-68 ABOUT JET AIRCRAFT WHICH WENT DOWN OVER SOUTH VIETNAM WITH PILOT AND AMERICAN GIRLFRIEND ABOARD. OFFICER CAN RECALL NO OTHER DETAILS EXCEPT THAT INCIDENT CREATED A FLAP AT MACV. HAVE ANY AMERICAN FEMALES EVER BEEN REPORTED MISSING EVER [redacted]. CAN [redacted] ENLIGHTEN US ON THIS.

6. [redacted]

[redacted]

1 German Female Pow
1968

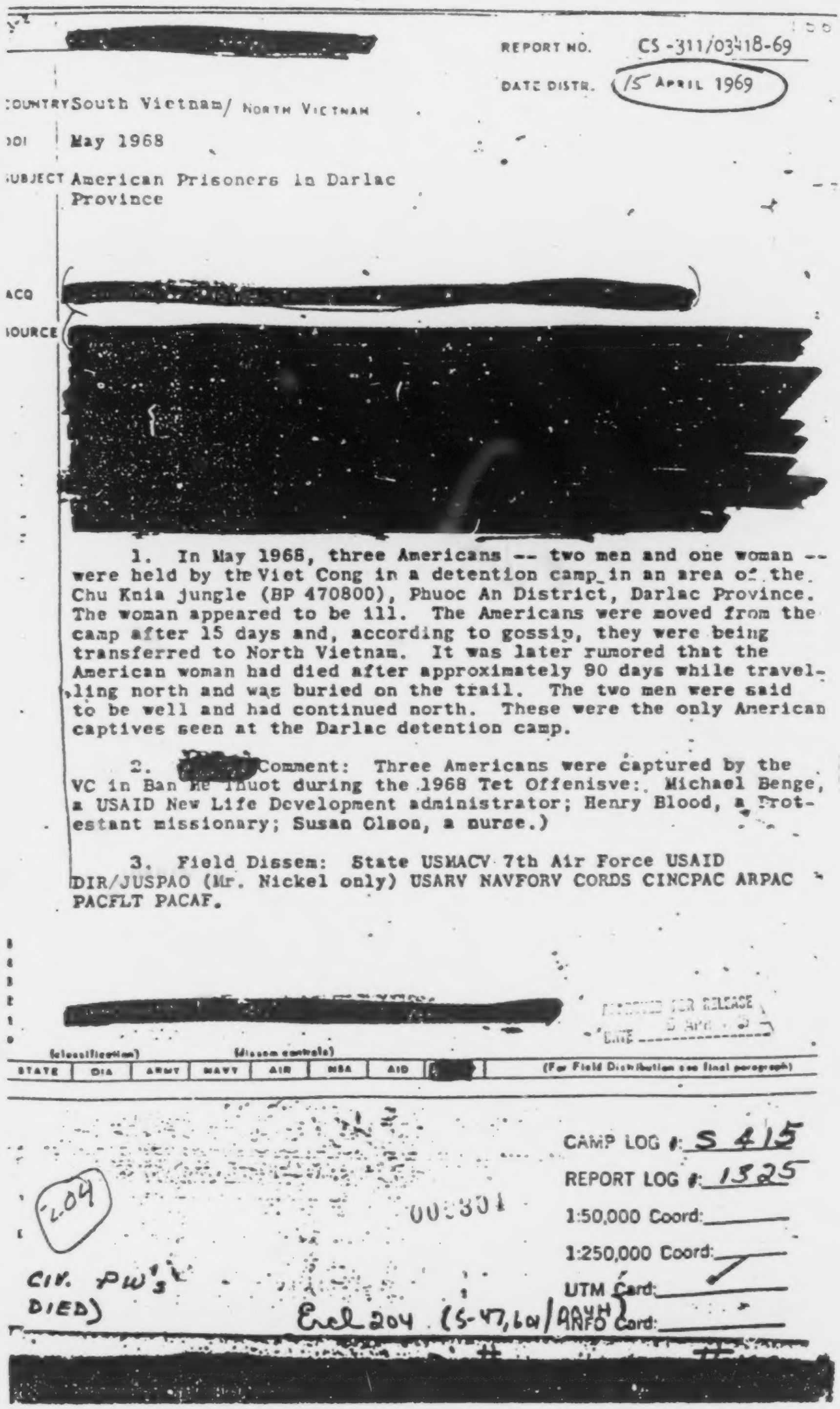
1. More Female american Pow

Females

1 - Feb. 1968 Sam Nua Flu
1 - 1968 - Skidder S.U.N.

1 - Kept in Sam Nua 1971 17. April Possibably Comm. lady

1 - German lady 191



[redacted]

REPORT NO. CS-311/03418-69

DATE DISTR. 15 APRIL 1969

OUNTRY South Vietnam/ NORTH VIETNAM

OI May 1968

UBJECT American Prisoners in Darlac Province

ACQ [redacted]

OURCE [redacted]

1. In May 1968, three Americans -- two men and one woman -- were held by the Viet Cong in a detention camp in an area of the Chu Knia jungle (BP 470800), Phuoc An District, Darlac Province. The woman appeared to be ill. The Americans were moved from the camp after 15 days and, according to gossip, they were being transferred to North Vietnam. It was later rumored that the American woman had died after approximately 90 days while travelling north and was buried on the trail. The two men were said to be well and had continued north. These were the only American captives seen at the Darlac detention camp.

2. [redacted] Comment: Three Americans were captured by the VC in Ban Me Thuot during the 1968 Tet Offenisve: Michael Benge, a USAID New Life Development administrator; Henry Blood, a Protestant missionary; Susan Olson, a nurse.)

3. Field Dissem: State USMACV 7th Air Force USAID DIR/JUSPAO (Mr. Nickel only) USARV NAVFORV CORDS CINCPAC ARPAC PACFLT PACAF.

[redacted]

[illegible] FOR RELEASE
DATE [illegible]

(classification) (dissem controls)

STATE	DIA	ARMY	NAVY	AIR	NSA	AID	[redacted]	(For Field Distribution see final paragraph)

CAMP LOG #: S 415
REPORT LOG #: 1325
1:50,000 Coord:
1:250,000 Coord: ✓
UTM Card:
INFO Card:

204

00-301

CIV. PW'S
DIED)

Encl 204 (S-47,601/AAVH)

[redacted]

TESTIMONY BEFORE THE VETERANS COMMITTEE
BY PATRICIA B. SKELLY
January 28, 1986

Mr. Chairman and members of the committee, I would like to thank you for the opportunity to testify today.

My name is Patricia B. Skelly and I am Chairman of the Board of Directors of Task Force Omega, Inc., a Prisoner of War Organization dedicated to the return of all Americans from Southeast Asia -- both alive and dead. For the past 11 years I have been actively and continuously involved in the POW/MIA issue. As a concerned citizen I was the Minnesota State Coordinator for the National League of Families for 6 years. Later, I was the Minnesota State Coordinator for the National Forget-Me-Not Association. I am also one of the founders of Task Force Omega, Inc.

During the time I was the Minnesota Coordinator for the League of Families, a small group of concerned citizens and POW/MIA family members from a number of organizations (myself included) began collecting a variety of documented and declassified material. Under the Freedom of Information Act we filed for and received computer printouts from a number of U.S. government agencies. The most important of these came from the Defense Intelligence Agency (DIA) and the State Department. Other printouts or information were received from the Department of Defense, National Archives and Department of the Navy listing

Navy and Marine Personnel. Other material was forthcoming through the CIA, Personnel Records Section (St. Louis, Missouri), Military Casualty Offices, JCRC and CIL.

During a 2 1/2 year period from late 1977 through early 1980, we filed for and received from the DIA some 10 separate computer printouts from their "Automated Data Base." (Note: This figure refers to some 10 separate occasion when computer printouts were requested as we requested the same material arranged both alphabetically by last name and chronologically by incident date, thus necessitating multiple printouts with the same date.) We also requested that these documents include returnees, escapees and body recovery/returns, as well as prisoners of war, missing in action, killed in action-body not recovered, AWOL/deserters and detainees. Only two of the printouts contained the same number of individuals, but after comparing them, it was discovered that they did not contain the same individuals.

During this same timeframe, I was told that DIA did not maintain those unaccounted for by their "Home of Record," and that I would have to request that information from the State Department. The State Department did provide a Home of Record list upon request, but could only do so for military personnel. To date, no agency within the U.S. government that I am aware of can provide a Home of Record list for those American civilians who are unaccounted for.

The State Department printouts contain a wide variety of information which could not be provided by the Defense Intelligence Agency. Likewise, some of the data provided by DIA could not be provided by the State Department. In the case of unaccounted for civilians, neither agency could provide certain types of information, such as their Home of Record.

In the past two or three years, the Department of Defense has provided Home of Record printouts, but again, they do not include civilians who remain unaccounted for.

In regard to the military casualty offices, on occasion I have contacted them with specific information requests, and over time, a rapport has been established. Because of this rapport, I learned that I possessed material that a casualty office did not have, and I was told that they did not have access to the information. I provided them with the material they requested and would be willing to do the same for any other U.S. government agency that requested it.

Mr. Chairman, I want it fully understood that at no time have I been given any currently classified information in regard to any request for information I have made to U.S. government agencies. My point in making this statement is that the information and documentation provided to me is either not classified or declassified before it has been released.

In addition to sharing material with individual family members and other private organizations interested in the POW/MIA issue, Task Force Omega has always maintained the policy of working with anyone who will work with us. This includes all areas of the U.S. government.

It is obvious to Task Force Omega that there is no central location or agency for the collection, cross-reference, correlation, study and coordination of this critical information. Therefore, we question the conclusions drawn by some members of the military and the intelligence community that they can stipulate as to the current status of those Americans who remain unaccounted for. This conclusion on our part is based upon years of experience and study in working with material provided to us, as well as that provided to others, and has not been reached lightly.

Mr. Chairman, for the record I am submitting copies of a research document sent to Admiral Jerry Paulson, former Deputy Director of Collections for DIA, the most important DIA computer printouts (one alphabetical by last name and one chronological by incident date), the two most important State Department printouts (one Home of Record and one by Branch of Service/Country of Loss), and a Department of Defense Home of Record list.

I hope this information is of benefit to you in your continuing work on this most vital issue.

If I may be of any further assistance to you, please feel free to contact me at your convenience.

Thank you, Mr. Chairman.

U.S. Senate Committee, Veterans' Affairs
Testimony of LTC Robert L. Howard

I am currently assigned as the commanding officer of the VII Corps Special Troops Bn in Stuttgart, West Germany. I have served on active duty with the U.S. Army for thirty years.

From September 1983 until May 1984, I was assigned as the Chief, Combat Support Coordination Team-Special Forces Center in Seoul, Korea. During this time I had the mission of advising the Korean Special Forces Commander and had operational control of Special Forces Detachment-Korea. At that time I had interface with the G-3, 8th U.S. Army, J-3 United States Forces Korea, and C-3 Combined Forces Command Korea in matters relating to liaison, training and intelligence.

By approximately October of 1983 I became familiar with the mission of SFD-K and then first became familiar with intelligence reports dealing with possible living American Prisoners of War. In general this information consisted of known and suspected sightings, remains, crash sites, wreckage, material from wreckage, agent network report and eventually my own personal contact with senior Thai military officials.

My contact with the commander of SFD-K during this period of time was daily. I learned of the success that this organization had in obtaining such intelligence and eventually met personally with senior military officials concerning this and other subjects. This occurred during January of 1984 in Thailand. Specifically, this happened in Lop Buri. Present at the time were the Commanding General of the Thai Special Forces Command, four Special Colonels of the Thai Special Warfare Command, Lieutenant Colonel (USAF) Paul Mather, Colonel (USA) Alpern (Military Attache, Bangkok, Thailand), Major (USA) Mark Smith, SFC (USA) Melvin McIntire and myself. By this time I had become personally convinced that we had live Americans in captivity in Laos and possibly North and South Vietnam.

The purpose of this meeting was to allow me to meet these senior Thai officials at or through a luncheon which was held in my honor. The reason that the Thai military officials were honoring me on this occasion was due to my experience with the American military in combat. They learned that I had been awarded high American military decorations -- which included the Medal of Honor -- and thus held this luncheon to meet me.

It was on this occasion that I witnessed the compromise of a source of information by LTC Mather and COL Alpern concerning the working relationship which had been developed between Special Forces Detachment-Korea and these Senior Thai military officers. Specifically, LTC Mather and COL Alpern openly revealed this relationship and that the Thai General Officer had been providing information concerning living American Prisoners. The significance of this compromise was that it was a blatant security violation by a senior U.S. Military officer and it was an effort to undermine the successful intelligence gathering activity of Special Forces Detachment-Korea on the subject of living Americans in Southeast Asia.

Immediately following this luncheon I spoke personally with one of these Senior Thai officials at which time I was told that there were living Americans in Southeast Asia and that they were willing to assist and had been trying to provide this information to the United States Government through Special Forces Detachment-Korea.

I remained in Thailand on this single occasion for approximately eight days and participated in a training exercise which I now believe was designed and intended to discredit the intelligence gathering activity of Special Forces Detachment-Korea. In general, a training mission occurred which, if completed as planned, could have resulted in the killing or capture of myself, Major Mark Smith, SFC McIntire and others by a hostile force. This could have had the effect of putting the American POW/MIA issue to rest and thoroughly discrediting what had already been reported on this subject. Fortunately this mission did not take place since it was terminated due to the suspicions of SFC McIntire that it would have constituted an illegal mission into a communist country.

Upon my return to Korea, I briefed my immediate military superiors concerning what I had been told about American POWs and all other information I learned while in Thailand. My impression was that there was no interest and I was shocked because I felt we had a moral obligation to responsibly pursue this matter.

Shortly after this I was officially accused of participating in unauthorized cross-border operations -- something which was absolutely untrue. This accusation made it difficult for me to pursue the matter of intelligence gathering concerning American Prisoners of War since I was placed in a defensive posture since then.

Based upon all intelligence reports which I have seen, my personal experiences in this matter during this period of time, I am personally convinced that there are in fact live Americans in captivity and that there is an ongoing effort by the Defense Intelligence Agency to ignore such reports. I feel that a responsible estimate is that these Americans number in excess of one hundred.

Sworn and subscribed this __ day of January, 1986.

ROBERT LEWIS HOWARD
Lieutenant Colonel, U.S. Army

Witness:

____

Testimony of Michael Van Atta

For the Senate Committee on Veterans Affairs,
Senator Frank H. Murkowski,Chairman

Backgroung: Is the editor of a news letter called"The Insiders" The publication started in January 1982 and the ojective is to inform the American public of the proof that live POWs are still being held in Southeast Asia.

I would like to submit 4 (Four) lists of names of missing Americans lost in S.E. Asia which are taken from DIA and CIA documents.

LIST #1- This list of 170 missing Americans are the ones placed in category #1 by military analysts. Category #1 is a status of loss assigned by the military identifying an MIA as taken captive by the enemy or a loss that occured where it was felt by the military analyst that the enemy would have knowledge of the loss. Looking down this list I would like to high light a few examples.

	LOST	STATUS
7.W. Moon	4/61	7/61 KIA in escape-UG0944
22.D. Hrdlicka	5/65	7/66 Pravda published photo
45.E. Reilly	4/66	ID card,interrgn papers found
54.B. Small	3/67	leg wound-captured
66.E. Weatherman	11/67	4/68 Died in captivity
88.J. Ray	3/68	MIA
104.D. Sparks	6/69	letter found, died in PW camp

Nolan and Weatherman were not on the DOD provided list of names to be put on the Vietnam Memorial. Why?

Several of these 170 Americans had their capture confirmed by firsthand witnesses but the records, explain away their existance. Many of these POWs died in captivity but many were known to be kept alive, long after the war ended.

Other MIAs listed in the military category #2 never had there missing status changed to category #1 when the U.S. had confirming reports which identified them as alive under enemy control. Listed below are some examples.

1. Michael L. Laport Lost 9/67-lost in helo drop
2. William B. Hunt Lost 11/66-SV Ground
3. John W. Held Lost 4/68-SV A37A
4. Jerry P. Clark Lost 12/65-SV 01D

Hunt, Held, and Clark were held togeather alive and many asian reports correlate to these men. In September 1970 an I.R. (Intelligence Report) in military records describes an asian defector who picked Clarks photo out of VolumeI, pre-capture photos. The families recieved insurance benifits for these missing men but the military never upgraded their status. These men were confirmed

POWs but presumed dead findings were made on Clark 10/26/73, on Hunt 4/7/76, and on Held 8/21/75. It appears that no direct negotiations took place to try to secure these military mens release by the State Department or the Peace negotiator, Henry Kissinger.

LIST #2-PHOTO COMPARISONS. The names on this list were generated from records where DIA gave CIA post-capture photos of US MIAs and CIA responded with a comparison report identfying these names. Some of these men were released but most are still listed as MIAs. These post-capture photos are kept in VolumeII. Here are a few examples.

27. Maj. G. Ammon Lost 5/71 Remains returned- Christmas 1969 film
29. Gary H. Fors Lost 12/67 MIA LA- Photo #61

LIST #3- This list is military analysts correlation of raw inteligence data to US POWs. (Asian reports correlated to spacific MIAs.)

27. Gary H. Fors- March 1972- an asian report was correlated to Fors. Photo comparisons were done of Fors by the CIA on 2/19/69, 9/30/70, and 7/9/73. Why was Fors not released?

26. C.E Shelton- 8 reports correlated to Shelton and he is the only offical POW. Why was Shelton not released?

19. D.C. Cook, MIA December 31, 1964. There was an asian report dated April 1965 correlated to Cook. He was carried in category #1 because his name appeared on the PRG DIC (died in captivity) list, having died December 8,1967. On September 3, 1968 CIA said that post-capture photo #25, #23, and #3 correlated to Mr. Cook. How could we have a picture of Fors alive after he is suppose to be dead?

28. Kurt C. McDonald was reported by an asian defector on April 11, 1969 as being alive in a POW camp. This defector picked McDonalds photo from VolumeI. On March 17, 1969 CIA did a photo compairison on Mr. McDonald for DIA correlating photos #81, #20, and #29 to him. McDonald was carried in catigory #4 status. The Carter Administration simply declaired McDonald dead, even though he was reported alive in captivity years after his loss. The US had a photo of him alive in captivity one month before a defector came over to our side and said he was still alive. He status was never upgraded to catigory #1, as a confirmed POW.

Report #28 was generated 23April 1969 listing enemy party members and US POWs. There are 22 positive identifications and 32 Possiable IDs. A defector looked at a list of photos dated 10Nov68. He identifies photo #11, a former member of 704th (name unknown), there is information given on 2 American woman, and as of 21March 1969, 4 members of the enemy party had defected.

LIST #4- This is a list of Americans, where military analysts took asian sightings of dead Americans and correlated the sighting report to a spacific MIA. Interesting to note is the fact that some listed as dead came home alive.

Summary- I am pleased to submit these lists for your review and would ask that an investigation be conducted into the cases where the evidence shows that U.S. Mias were captured, defectors identified them as being alive, asians reported seeing them alive, and the US took pictures of them alive in captivity.

STATEMENT BY J. THOMAS BURCH, JR.,
NATIONAL COORDINATOR, NATIONAL VIETNAM VETERANS COALITION

The National Vietnam Veterans Coalition includes among its 27 member organizations three of the four largest Vietnam Veteran membership organizations and most of the major POW-MIA organizations. Further, because of the Coalition's acknowledged leadership role, we can call upon the knowledge and expertise of many individuals outside of the organizations within the Coalition. We have, for example, many knowledgeable family members working with us, as well as key activists in the Indochina refugee community.

From our myriad contacts in the Vietnam veterans community, there is no question in our minds but that the live prisoner of war issue is the issue of greatest concern to the greatest number of Vietnam veterans. As the comrades in arms who fought alongside those men who are missing, we have a legitimate interest in the subject at hand, an interest which should be acknowledged by government officials. We do not suggest for a moment that we have as great a stake or the same degree of legitimacy on the issue as family members of the missing men. However, we do feel that it has been a mistake to regard the issue as one of exclusive concern to the families. While the families do serve as a moral reminder to the Nation to honor its obligations to those who did not return, their numbers are small enough that they can be, and have been all too often, treated lightly during four successive administrations.

We feel it would be useful to remind America that men who were prisoners were, in fact, abandoned by the government at the conclusion of the war. We need only turn to the New York Times on January 29, 1973, to note the following passage:

> "The Pentagon lists 6 prisoners and 311 men missing in Laos, but officials believe that the number of prisoners held by the Pathet Lao guerrillas is probably substantially higher." (p.15)

Not one of those men came home.

According to a recent affidavit by an intelligence professional attached to the National Security Agency in the early 1970s, he compiled, from names elicited from intercepts of North Vietnamese communications, a list of 300 names. Of those known to be alive on the list, only five percent returned. There is reason to believe that this list was not all-inclusive as respects to Vietnam.

It is not unreasonable, therefore, to state that perhaps one half of all prisoners of war detained in Indochina in 1973 were not returned. We therefore submit that the burden should be on those who do not believe in the continued existence of live prisoners to prove their case. The presumption should be that a large number of men, subject to actuarial and other mortality factors, are still alive and in captivity.

We find it extraordinary, then, that there is purportedly no "usable proof" that live men are being held in captivity. What we are primarily here today to discuss is the apparently substantial deficiencies in the intelligence process.

A. Refugee Interrogation Procedures

There is a widespread perception in the Indochinese refugee community that U.S. authorities are not genuinely interested in live POW intelligence. The principal reason for this perception is the insensitivity and degrading harassment to which they are all too frequently subjected by DIA personnel.

Refugees providing information are regarded with suspicion and are often asked insulting questions, e.g. "Aren't you just doing this to get to the U.S.?" (even in cases where the refugee has already opted for permanent resident status in another country). Shouting is not uncommon. Refugees have been isolated for an inordinate period of time. We ourselves have been involved in referring several refugees to responsible intelligence officers, only to have them return and state that they never wanted to have anything to do with DIA in the future.

Refugees providing credible information do not receive any words of appreciation from their interrogators. Further, although many of the refugees have family at risk, should the Communists learn of their disclosures, confidentiality is frequently not assured. Examples include: correspondence with refugees in the camps using conspicuous U.S. government envelopes, discussion of other refugees by name in front of an informant, and, in some cases, failure to delete the informant's name from FOIA requests.

Lastly, we would note that the above conduct by government vitiates polygraph testing. Since polygraphs primarily detect stress, it is essential to insure that the subject is relaxed before testing. How many truth tellers have been determined to be fabricators, because the stress of their treatment at the hands of DIA showed up on the needles?

B. Evaluation Procedures

Unfortunately, the 'mind-set to debunk' is alive and well. We would begin this section by noting a central inconsistency in the classification of KIA and POW. Men were classified as KIA on the basis of probability (cf., Pak Se identifications); men will be classified as POW only on the basis of certainty (cf. the "usable proof" standard).

In reviewing declassified refugee reports, we are struck by how often the analysis is devoted to discrediting the sightings. Further, refugees whose polygraph testing indicates deception in one area of their knowledge will be discredited in their entirety. If their data were retained and cross-checked against other reports, at least part of their information might prove valuable.

We find it difficult to believe that there are only three unresolved sightings which remain under active investigation in this decade. The total number of sightings has more than doubled during this period, with 53 unresolved prisoner status sightings for the earlier period.

C. Private Sector - Government Cooperation

The message is being broadcast with increasing frequency that individuals in the private sector with POW information should turn it over to responsible government officials. Ideally, this procedure should be followed. Unfortunately, the real world demonstrates that government officials are unwilling to receive the intelligence.

We have already indicated, for example, the problems experienced with refugee debriefing. In every case where we have been involved with a refugee sighting, the government has worked very hard to discredit that refugee. Mr. Chairman, we do not turn these refugees over to DIA lightly. These individuals are screened very extensively beforehand, and many of us in the private sector do have skills analogous to those employed in debriefing. I myself, for example, am a trial attorney accustomed to cross-examination.

A spectacular example which has come to light in recent weeks is the case of Tom Ashworth, a Vietnam veteran who developed a close relationship with the Hmong refugee community, learned from individual refugees of sightings of American POWs and also obtained valuable background intelligence on the subject matter. DIA showed little or no interest in the subject and, when Ashworth persisted, he was warned that if he continued his efforts, he would be discredited.

Finally, we would suggest that the official practice of attempting to discredit live POW activists and to agitate against "misinformation" is undesirable. As best as we can determine, "misinformation" consists of uttering a statement, usually an opinion as opposed to a factual misstatement, which some official or other does not like. It merely poisons the atmosphere, without advancing the cause of live POW's one iota.

Presumably, we all desire the same thing: to bring our live men home. The walls of distrust must come down.

D. Personnel

There is a pressing need for a substantial rotation of personnel. Too many key staffers at DIA and the Joint Center have served in their current positions for periods far in excess of normal tours of duty. Perceptions can only harden over time; new personnel with fresh perspectives are needed to administer the program. At this time, we are tendering a separate letter to the committee discussing named individuals. We do this in private because we do not regard it as appropriate to make public attacks on individual career employees.

E. Policy

An unfortunate effect of the public debate on this issue is that all too many individuals, especially in the media, have the impression that the only alternative to a policy which focuses almost entirely on the return of remains is for American citizens to stage private, cross-border forays.

We do not believe that cross-border forays are a viable option. As we know, one of these attempts, into Laos in December, ended in disaster for the participants.

There are, however, other policy options for the government to consider. Assertive diplomacy is one such option; however, when the same government officials who assert the absence of "usable proof" are conducting the negotiations, it is difficult to understand how they can be effective negotiators when they lack confidence in their own negotiating position.

Before discussing other options, there is one point that needs to be addressed: the absurdity of the recent turnover of 95 live sighting reports to the Vietnamese. The logic seems to be that since the Vietnamese apparently are unaware of whether they are holding prisoners of war or allowing some former prisoners to subsist within the community at large, we will provide them with data that is either dated or classified so that they can make this determination for themselves. More objectionable is the potential that, armed with the background information contained in these reports, Hanoi can take savage reprisals against any person potentially affected.

There are other options, as said. "Bribery to black helicopters in the night" should be pursued aggressively. Likewise, diplomatic negotiations with third parties, especially the People's Republic of China, which undoubtedly has accepted a number of refugees with live POW information. Resistance movements in Indochina could be supported as a pressure tactic.

NATIONAL VIETNAM VETERANS COALITION
1000 Thomas Jefferson Street, Sixth Floor
Washington, D.C. 20007
202-338-NVVC

[illegible]
Coordinator

[illegible]
Deputy National
Coordinator

[illegible]
Deputy National
Coordinator

[illegible]
Secretary

[illegible]

[illegible]

[illegible]

[illegible]
Chairman, Agent
Orange Activities

[illegible]
Chairman, POW
[illegible]

[illegible]
Co-Chairman, POW
[illegible]

December 23, 1985

Mr. Richard L. Armitage
Assistant Secretary of Defense
International Security affairs
The Pentagon
Room 4E808
Washington, D.C. 20301

Re: POW

Dear Mr. Armitage:

Pursuant to our recent meeting, we herewith tender our comments concerning POW intelligence collection and evaluation.

The National Vietnam Veterans Coalition includes among its members most of the major POW-MIA organizations. Further, because of the Coalition's acknowledged leadership role, we can call upon the knowledge and expertise of many individuals outside of the organizations within the Coalition. We provide information pertaining to live prisoners of war.

Accordingly, we wish to address, in particular, the following areas of concern:

1. Refugee Interrogation Procedures.
2. Intelligence Data Evaluation.
3. Personnel.
4. Policy Options.
5. Public Relations.

A. Refugee Interrogation Procedures

There is a widespread perception in the Indochinese refugee community that U.S. authorities are not genuinely interested in live POW intelligence community. The principal reason for this perception is the insensitivity and degrading harassment to which they are all too frequently subjected by DIA personnel.

Refugees providing information are regarded with suspicion and are often asked insulting questions, e.g. "Aren't you just doing this to get to the U.S.?" (even in cases where the refugee has already opted for permanent resident status in another country). Shouting is not uncommon. Refugees have been isolated for an inordinate period of time. We ourselves have been involved in referring several refugees to responsible intelligence officers, only to have them return and state that they never wanted to have anything to do with DIA in the future.

(You might wish to compare the Yurchenko defection with the situation we are describing).

Refugees providing credible information do not receive any words of appreciation from their interrogators. Further, although many of the refugees have family at risk, should the Communists learn of their disclosures, confidentiality is frequently not assured. Examples include: correspondence with refugees in the camps using conspicuous U.S. government envelopes, discussion of other refugees by name in front of an informant, and, in some cases, failure to delete the informant's name from FOIA requests.

Other allegations concerning the mismanagement of collection will be discussed in the "Personnel" section, infra.

Lastly, we would note that the above conduct by government vitiates polygraph testing. Since polygraphs primarily detect stress, it is essential to insure that the subject is relaxed before testing. How many truth tellers have been determined to be fabricators, because the stress of their treatment at the hands of DIA showed up on the needles?

B. Evaluation Procedures

Unfortunately, the 'mind-set to debunk' is alive and well. We would begin this section by noting a central inconsistency in the classification of KIA and POW. Men were classified as KIA on the basis of probability (cf., Pak Se identifications); men will be classified as POW only on the basis of certainty (cf. the "usable proof" standard).

In reviewing declassified refugee reports, we are struck by how often the analysis is devoted to discrediting the sightings. Further, refugees whose polygraph testing indicates deception in one area of their knowledge will be discredited in their entirety. If their data were retained and cross-checked against other reports, at least part of their information might prove valuable.

We find it difficult to believe that there are only three unresolved sightings which remain under active investigation in this decade. The total number of sightings has more than doubled during this period, with 53 unresolved prisoner status sightings for the earlier period.

We would also remind you that Gen. Tighe recently stated on "60 Minutes" that he had seen reports while director of DIA which met current criteria for "usable proof".

C. Personnel

An investigation of the JCRC center in Bangkok should be undertaken, both for security and efficiency matters. While we do not for a minute suggest that we have any hard evidence on the subject, persistent allegations have come to our attention that the wife of LTC Paul Mather has inappropriate ties to Vietnamese intelligence. Likewise, we have received admittedly unconfirmed reports that she has passed the word to refugees in camps not to disclose any information on live POW's. We stress that we are not making accusations, only asking for an independent review.

Other allegations focus upon LTC Mather himself. In contrast to the normal military practice of regular rotation, Mather has been permanently assigned to JCRC, Bangkok. It is further our understanding that, although the influx of refugees into border camps in Thailand has overwhelmed existing intelligence capabilities, he has resisted the assignment of additional personnel to cope with the overflow. It has further been alleged that little oversight or inspection of the refugee camps by Bangkok is taking place. It is further alleged that there is no effective program to seek out live POW information, e.g., the absence of a written foreign language campaign addressed to the refugees to be forthcoming.

At the other end of the POW intelligence "pipeline" are two individuals whose performance merits review.

Charles Trowbridge oversees final evaluation of live POW information. It is our belief that much valid intelligence is disavowed through questionable, and often illogical, premises, under his supervision.

Bob Distata supervises refugee interrogation. We have noted our criticisms of how the program is administered.

Even if our perceptions are mistaken, these individuals have all served in their current positions for periods far in excess of normal tours of duty. Perceptions can only harden over this period of time; new personnel with fresh perspectives are needed to administer the program.

D. Policy Options

I have indicated to you my personal belief that crash site excavation in Vietnam may be the most effective means of leading to the development of a "sustained pattern of cooperation" which would ultimately bring the live men home.

However, in Laos, a totally different situation presents itself: a decentralized POW camp administration, capable internal resistance movements, more pervasive official demoralization and corruption, etc. In short, the situation is tailor-made for options ranging "from bribery to black helicopters in the night." We believe that a wider range of options should be considered than appears to be current Government policy.

Negotiations should also be conducted with the People's Republic of China to gain access to the information they have. Since the Chinese are at odds with the Vietnamese, perhaps we can exploit their disagreement to obtain assistance. The subject of live POW's might be brought up in diplomatic discussions with both Soviet Union and the PRC, to leverage the Indochinese governments.

E. Public Relations

Finally, we would suggest that the official practice of attempting to discredit live POW activists and to agitate against "misinformation" is undesirable. It merely poisons the atmosphere, without advancing the cause of live POW's one iota.

Presumably, we all desire the same thing: to bring our live men home. The walls of distrust must come down.

We look forward to a scheduled meeting to amplify and further document our concern.

Sincerely,

J. Thomas Burch, Jr.

J. Thomas Burch, Jr.
National Coordinator

JTB:jae

CUMBERLAND COUNTY

NORTH CAROLINA AFFIDAVIT

NOW COMES Thomas V. Ashworth and hereby allege and say and declare under penalty of perjury the following:

I am a citizen and resident of the State of Arkansas and presently reside in Fort Smith. I am 41 years of age, married and have three children. I have completed high school, college and hold a graduate degree in political science. I served on active duty with the United States Marine Corps from approximately March 1967 until approximately August 1971. During that period of time I served in the Vietnam war for approximately 9 months. While in Vietnam I was a combat helicopter pilot and among the missions which I flew were secret missions into Laos. I was honorably discharged after serving my country as a captain of Marines.

During the period of time beginning approximately August 1976 and continuing through approximately the middle of the year of 1984 I developed a very close and trusting relationship with many Hmong refugees both in the State of California and in the State of Arkansas where I now live with my family. During this period of time I have had personal contacts with more than 50 Hmong families. The nature of my contacts and relationships with these people can best be described as an informal guardian, sponsor, friend, employer and confidant. My interest in the Hmong largely arose out of my concern to assist them to become integrated into American society. The Hmong families that I am referring to are the tribal people from Laos who were resettled in the United States and who had supported General Vang Pao's CIA funded "secret army".

After six years of close association with these people I first began to hear information from them concerning the continued existence of American Prisoners of War in Laos. This information came up in incidental conversations between myself and certain of these Hmong. I felt obligated to provide this information to responsible government authorities and at the time the only way which I knew this could be done was through the National League of Families. I then understood the "League of Families" to be a private organization which had as one of its objectives the close monitoring of governmental activities on the POW/MIA issue. I began providing POW information to the League of Families in approximately January 1983. The information which I passed to the League of Families related to one first-hand account and two second-hand accounts of live American Prisoners of War held in Laos some time after 1975. This preliminary information consisted in part of a first-hand sighting by a Hmong given to me in late 1982. In essence this information was that my Hmong source saw two white prisoners in 1979 in eastern Xiengkhouang Province and that additional American prisoners had been seen by others who were being held with my source.

About six weeks after my conversation with the League of Families, I was contacted by personnel working for the Defense Intelligence Agency. After listening to my report one DIA analyst stated that the stories were probably not true and that the two second-hand sightings which were reported were of no consequence. One of the second-hand sightings was from a source who actually lived in the United States and involved the possibility of over a hundred American Prisoners of War being held after 1975 in Laos. My only intention at that time had been to assist in making contact between my Hmong friends and a responsible U.S. Government agency such as the Defense Intelligence Agency.

By June of 1983 I learned from a former Hmong intelligence officer who was a personal friend that he had worked on a project to free over an estimated 200 Americans supposedly held at Nakay Laos in the 1969 time frame. I reported this as well as the fact that this camp at Nakay was significant because it was thought to be the only permanent prison camp in Laos and that General Vang Pao had been offered five million dollars in reward money by the

Central Intelligence Agency to effect a rescue of the captive Americans held at that location. I also reported that according to my Hmong sources that in order to protect the American Prisoners, the prison at Nakay which had been pinpointed by aerial photographs was never bombed. The significance of this information which I was attempting to pass to the Defense Intelligence Agency from my Hmong sources was that although this information was being reported in 1983 about facts and events which were occurring between 1966 and 1970, it documented or tended to evidence that large numbers of American Prisoners of War had been held in Laos and had not been returned following the War. No American Prisoner of War held at Nakay prior to "Homecoming" in 1972 had ever been released from communist captivity. Although I realized that by 1983 this information was perhaps dated, it appeared to me that my Hmong contacts could have been used by the Defense Intelligence Agency to develop current information about the POW/MIA issue. To the best of my knowledge the Defense Intelligence Agency did not act on this potential source of information at all.

Through the summer of 1983 I continued to have contacts with the Hmong and the DIA, but still no meaningful action was being taken by DIA to follow-up on this information. Specifically, DIA refused to talk to General Vang Pao who told me that he knew of a general location where American Prisoners of War were being held in 1983. By late summer and early fall of 1983 I had received two reports from former top ranking Hmong intelligence officers which I felt were potentially very important. First, one of my informants had stated that he had contact with senior ranking Pathet Lao officials who where willing to participate in anti-Communist activities in Laos. Both he and I felt that these people might be a source for information on living POWs in Laos. The second item was that friends of another informant lived in Thailand and then currently knew the exact location of a Prisoner of War camp containing a large number of Americans. All of this information was made available by me to the Defense Intelligence Agency directly. None of this information in my judgment was responsibly followed-up by the Defense Intelligence Agency representatives that I was dealing with at that time.

In sum and to my knowledge the Defense Intelligence Agency interviewed only one of my seven informants and that informant was the least important of my sources.

Furthermore, in approximately December of 1983 a senior United States Air Force officer assisted me in trying to find out why the Defense Intelligence Agency elected not to act on the information which I had attempted to provide to them through my

Hmong sources. As a result of this effort I learned that the United States Government knew where American Prisoners of War were being held in Laos but could not bring them home to the United States because of political considerations. I also learned that no matter how accurate or current the Hmong information was that the United States Government would not use it. I was also told that if I did not cease my efforts on behalf of the POW issue that I would be discredited and no one would believe me.

Subscribed and sworn this 13th day of September, 1985.

Thomas V. Ashworth
THOMAS V. ASHWORTH

Witnesses:

NORTH CAROLINA
CUMBERLAND COUNTY

I, Charles G. Boltwood, Jr., a Notary Public of Cumberland County, North Carolina, do hereby certify that THOMAS V. ASHWORTH, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and notarial seal, this 13TH day of September, 1985.

Charles G. Boltwood, Jr.
Notary Public

CHARLES G. BOLTWOOD, JR.
4/6/87

My Commission Expires:
4/6/87

STATEMENT OF
EUGENE "RED" MCDANIEL, CAPT USN (RET)
FORMER VIETNAM POW
(PREPARED AND DELIVERED BY JOAN E. CARLSON)

POW-MIA ISSUE

HEARINGS BEFORE THE COMMITTEE
ON VETERANS' AFFAIRS
SENATE VETERANS' AFFAIRS COMMITTEE

JANUARY 28 AND 30, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

ON BEHALF OF "RED" MCDANIEL AND MYSELF, JOAN CARLSON, I THANK YOU FOR ALLOWING ME TO PROVIDE TESTIMONY WHICH, WE ARE CONFIDENT WILL ASSIST YOU IN PURSUING THE QUESTION OF WHETHER OR NOT AMERICANS ARE CURRENTLY BEING HELD CAPTIVE, AGAINST THEIR WILL, IN SOUTHEAST ASIA.

I ALSO WISH TO PERSONALLY THANK YOU, MR. CHAIRMAN, FOR ESTABLISHING THIS OPEN HEARING, AS IT IS THE FIRST SUCH HEARING SINCE 1974. THIS FACT, IN ITSELF, IS CONSISTENT WITH THE LEADERSHIP TAKEN BY PRESIDENT REAGAN'S GUIDANCE IN MAKING THE ISSUE CONCERNING POWS AND MIAS IN SOUTHEAST ASIA A TOP PRIORITY OF THIS ADMINISTRATION.

BEFORE I READ "RED" MCDANIEL'S STATEMENT, I BELIEVE THAT IT IS ESSENTIAL TO BRIEFLY EXPLAIN MY OWN BACKGROUND ON THE ISSUE, FOR MY INVOLVEMENT GOES BACK TO 1967 WHEN MY BROTHER-IN-LAW, CAPTAIN STEPHEN P. HANSON, WAS SHOT DOWN IN LAOS.

MOST OF YOU WILL RECALL THIS FIRST POW-MIA BUMPER STICKER WHICH READS "POWS - MIAS DON'T LET THEM BE FORGOTTEN". THIS EFFORT WAS INITIATED BY MY SISTER, CAROLE HANSON, OF EL TORO, CALIFORNIA. TOO LONG THE PLIGHT OF THE POWS AND MIAS HAD GONE ON VIRTUALLY UNNOTICED BY THE AMERICAN PUBLIC AND APPARENTLY OF LOW PRIORITY TO OUR OWN GOVERNMENT. THIS BUMPER STICKER CAMPAIGN WAS JUST THE BEGINNING OF MANY COMBINED EFFORTS THAT WOULD BRING THIS VITAL ISSUE TO THE FOREFRONT AND ULTIMATELY BRING ABOUT SOME MOST POSITIVE RESULTS IN IMPROVED TREATMENT FOR OUR MEN IN CAPTIVITY AND FINALLY, IN 1973, THE LONG AWAITED RELEASE OF THOSE MEN HELD IN HANOI. YOU SHOULD ALSO RECALL THAT CAROLE WAS INSTRUMENTAL IN

THE FORMATION OF THE NATIONAL LEAGUE OF FAMILIES AND ALSO, AS WAS I, THE ESTABLISHMENT OF POW-MIA INTERNATIONAL, INC. WHICH WORKED CLOSELY WITH THE FAMILIES AND OTHER CONCERNED CITIZENS AND ORGANIZATIONS TO DISTRIBUTE POW-MIA BRACELETS, BUMPERSTICKERS AND OTHER MATERIALS TO GET THE ISSUE OFF THE BACK PAGES OF THE NEWSPAPERS AND OUT INTO PUBLIC VIEW, THEREBY FORCING SOME ACTION TO BE TAKEN TO BRING ABOUT IMPROVED CONDITIONS WHILE IN CAPTIVITY AND THE ULTIMATE RELEASE OF OUR POWS.

I ALSO REMEMBER THE OCCASION WHEN WE WERE IN THE OFFICE OF THE GOVERNOR OF CALIFORNIA AT THE TIME HE WAS PRESENTED A POW-MIA BRACELET WHICH BORE THE NAME OF MY BROTHER-IN-LAW, STEPHEN P. HANSON. THE FORMER GOVERNOR OFTEN RETELLS ONE MOMENT IN PARTICULAR THAT DAY WHILE THE POW-MIA FAMILIES WERE GATHERED AROUND HIS OFFICE. AFTER PERSONALLY TAKING ONE SMALL BOY IN THE GROUP TO THE GOVERNOR'S PRIVATE BATHROOM, HE FELT A TUG ON HIS COATTAIL AND LOOKING DOWN AT THE BOY, THE GOVERNOR RECALLS HIM ASKING, "WOULD YOU PLEASE HELP BRING MY DADDY HOME?"

THAT SMALL BOY, IS NOW A MIDSHIPMAN 3RD CLASS AT THE US NAVAL ACADEMY, TODD HANSON HICKERSON, AND, OF COURSE, THAT GOVERNOR OF CALIFORNIA IS NOW PRESIDENT OF THE UNITED STATES, RONALD REAGAN.

THEREFORE, FROM THE LATE 60'S, TO THE PRESENT TIME, WE, ALONG WITH THE MAJORITY OF FAMILIES OF POWS AND MIAS HAVE NEVER CONDUCTED OURSELEVES IN A MANNER THAT WOULD EITHER EMBARRASS OUR PRESIDENT AND COUNTRY, OR ENDANGER THE LIVES OF AMERICANS HELD CAPTIVE.

THAT IS PRECISELY WHY I AM NOW WORKING WITH "RED" MCDANIEL.

AFTER "OPERATION HOMECOMING" IN 1973, I AND MEMBERS OF MY FAMILY KNEW THAT NO AMERICANS WERE RELEASED FROM THE COUNTRY OF LAOS. WE KNEW THAT THE BIG RELEASE WAS AGREED UPON BETWEEN THE USA AND NORTH VIETNAM. THE COMMUNIST FORCES IN LAOS AND CAMBODIA WERE NOT INCLUDED. THEREFORE, IF AN AMERICAN HAD THE DOUBLE MISFORTUNE OF BEING CAPTURED BY PATHET LAO TROOPS OR OTHERS, AND NOT NORTH VIETNAMESE, THEN HE WAS EXCLUDED FROM THE BIG RELEASE.

PERSONALLY, WE WERE FORTUNATE FOR A CREWMAN FROM STEVE'S HELICOPTER, WHO HAD BEEN HELD IN NORTH VIETNAM UNDER AN ASSUMED NAME, WAS RELEASED IN 1973. HE STATED THAT, PRIOR TO HIS EVACUATING THE HELICOPTER, HE WAS WITNESS TO THE FACT THAT THE PILOT AND CO-PILOT HAD BEEN MORTALLY WOUNDED.

OUR FRUSTRATION WAS, HOWEVER, DUE TO THE FACT WE BELIEVED OTHER AMERICANS WERE STILL BEING HELD CAPTIVE, HOW COULD WE AFFECTIVELY KEEP THE ISSUE ALIVE KNOWING, VERY WELL, THAT AFTER THE BIG RELEASE IN 1973 AND OUR TROOP WITHDRAWEL IMMEDIATELY THERE AFTER, AMERICA WOULD WANT TO PUT THE ISSUE OF VIETNAM FAR BEHIND. WITH THE FOCUS TURNING TO WATERGATE AND OUR DOMESTIC NEEDS, THE POSSIBILITY OF LIVE POWS STILL BEING HELD IN VIETNAM BECAME AN ISSUE OF LITTLE IMPORTANCE TO OUR GOVERNMENT AND MOST AMERICANS.

OUR PROBLEM WAS THEN HOW TO BE MOST EFFECTIVE. IT WAS NOT UNTIL THIS PAST YEAR WITH THE POSSIBILITY OF THE POW-MIA COMMISSION BEING ESTABLISHED THAT OUR HOPES WERE RENEWED.

WE ALSO KNEW THAT, AS BEFORE, THE ISSUE WOULD NEVER BE RESOLVED UNTIL THE AMERICAN PUBLIC INSISTED THAT OUR GOVERNMENT PURSUE EVERY POSSIBLE AVENUE TO OBTAIN THE RELEASE OF ANY LIVE POWS.

PRIOR TO 1973, IF THE ISSUE HAD REMAINED SOLELY A CONCERN OF THE WIVES AND FAMILIES, IT WOULD NEVER HAVE MOVED FROM OBSCURITY TO THE FRONT PAGES OF NEWSPAPERS AROUND THE WORLD. IT WAS ONLY WHEN INDIVIDUALS FROM ALL WALKS OF LIFE, INDIVIDUALS WHO NEVER KNEW A POW, WHEN TEACHERS, THE CLERGY, HOUSEWIVES, COLLEGE STUDENTS, AND OTHER CONCERNED AMERICANS MADE THIS A PRIORITY, YES, WHEN THIS OUTCRY OF PUBLIC SUPPORT AND INTEREST INCLUDED MEMBERS OF CONGRESS, ONLY THEN DID ANYTHING OF SIGNIFICANCE OCCUR. THIS IS WHY SUCH ACTION IS SO CRITICAL TODAY, AND AGAIN, I THANK THIS COMMITTEE FOR HOLDING THESE HEARINGS. IT WAS BECAUSE OF THIS NEED TO ALLOW AN AVENUE FOR ALL CONCERNED AMERICANS TO BECOME INVOLVED IN THE ISSUE THAT MY HUSBAND AND I, PLUS OTHERS, FOUNDED THE ORGANIZATION POW-MIA INTERNATIONAL, INC. BACK IN THE EARLY 70'S. THIS ORGANIZATION ALLOWED INDIVIDUALS, WHO WERE NOT FAMILY MEMBERS, TO PARTICIPATE. PRIMARILY, WE WORKED ALONG WITH THE NATIONAL LEAGUE OF FAMILIES IN ELEVEN WESTERN STATES. SENATOR BOSCHWITZ WILL RECALL OUR EFFORTS IN MINNESOTA AS WE HAD A MIDWEST OFFICE IN ST. CLOUD WHILE MY HUSBAND, GARY, WAS ATTENDING GRADUATE SCHOOL.

WHEN I FIRST MET "RED" MCDANIEL, I WAS PLEASED WITH HIS PATRIOTISM AND OVERWHELMING SUPPORT OF AMERICA. I WAS ALSO PLEASED THAT HE WAS WILLING TO STEP OUT AND AGAIN SERVE HIS COUNTRY WHEN HE RAN FOR U.S. CONGRESS, AND ALSO WITH HIS EFFORTS ON BEHALF OF THE AMERICAN DEFENSE INSTITUTE.

"RED" IS AS SOLID AN AMERICAN AS YOU CAN FIND. THAT IS WHY I WAS THOROUGHLY PLEASED WHEN HE ASKED ME TO WORK WITH HIM ON THE POW-MIA ISSUE, AND IN PARTICULAR, TO HELP GET THE POW-MIA

COMMISSION ESTABLISHED, SO WE COULD DETERMINE WHETHER OR NOT LIVE AMERICAN POWS WERE STILL BEING HELD IN SOUTHEAST ASIA, AND, IF SO, TO BRING THEM HOME - NOT IN YEARS - BUT IN MONTHS.

I WOULD NOW LIKE THE COMMITTEE TO HEAR "RED" MCDANIEL'S SWORN STATEMENT CONCERNING THIS MOST VITAL ISSUE OF LIVE POWS STILL BEING HELD AGAINST THEIR WILL IN SOUTHEAST ASIA.

(I QUOTE)

"I AM CURENTLY A CITIZEN AND RESIDENT OF ALEXANDRIA, VIRGINA. I AM EMPLOYED WITH THE AMERICAN DEFENSE FOUNDATION IN WASHINGTON, D.C. I AM RETIRED FROM THE UNITED STATES NAVY AND MY RETIREMENT DATE IS JANUARY 1982. I RETIRED IN THE GRADE OF NAVY CAPTAIN (06). I AM MARRIED AND HAVE THREE CHILDREN.

I AM A FORMER PRISONER OF WAR OF THE VIETNAM WAR WHERE I WAS HELD IN CAPITIVITY IN NORTH VIENAM FOR 70 MONTHS. I HAVE BEEN ACTIVELY INVOLVED IN THE POW/MIA ISSUE SINCE, APPROXIMATELY, 1979 THROUGH THE PRESENT DATE. I HAVED SERVED ON THE BOARD OF DIRECTORS OF THE NATIONAL LEAGUE OF FAMILIES FROM 1983 TO 1984. ADDITIONALLY, I WAS THE VICE PRESIDENT OF THE NAM-POW ALLIED POW WING AND WOULD HAVE BEEN SEATED TO THE PRESIDENCY OF THIS ORGANIZATION BUT FELT THAT I COULD NOT GET AS ACTIVELY INVOLVED WITH THIS ISSUE AS I COULD OTHERWISE. WHEN I WAS ON THE BOARD OF DIRECTORS FOR THE NATIONAL LEAGUE OF FAMILIES I FIRST BEGAN A PROFESSIONAL RELATIONSHIP WITH RICHARD CHILDRESS, WHO I BELIEVE WAS THE SPOKESMAN FOR THE NATIONAL SECURITY COUNCIL ON THE ISSUE OF POWS AND MIAS. AS A RESULT OF MY POSITION WITH THE NATIONAL LEAGUE OF FAMILIES AND MR. CHILDRESS' POSITION WITH THE NATIONAL

SECURITY COUNCIL WE DEVELOPED A PROFESSIONAL WORKING RELATIONSHIP.

I SPECIFICALLY RECALL SOME TIME DURING THE EARLY SUMMER OF 1985 DURING THE EVENING HOURS RECEIVING A TELEPHONE CALL FROM MR. CHILDRESS AT MY HOME. THE SUBJECT OF THE TELEPHONE CONVERSATION WAS DIRECTLY RELATED TO THE POW/MIA ISSUE. DURING THE COURSE OF THIS PHONE CONVERSATION, WHICH LASTED APPROXIMATELY ONE HOUR, MR. CHILDRESS, AND I, DISCUSSED THE POW/MIA PROBLEM. I SPECIFICALLY ASKED MR. CHILDRESS IF HE THOUGHT WE HAD AMERICANS STILL BEING HELD IN CAPTIVITY IN SOUTHEAST ASIA. HE RESPONDED BY SAYING, 'YOU'RE DAMN RIGHT I DO.' I RECALL ALSO DISCUSSING WHAT WAS BEING DONE ABOUT THE PROBLEM. MR. CHILDRESS TOLD ME THAT HE SPECIFICALLY BRIEFED THE PRESIDENT ON THE POW/MIA ISSUE.

I REMEMBER ALSO MR. CHILDRESS SAYING TO ME THAT HE DIDN'T KNOW WHY HE WAS TELLING ME THIS. HE DIDN'T KNOW WHY HE HAD CALLED. I ASKED MR. CHILDRESS WHEN WE WOULD EXPECT TO GET SOME OF THE POWS BACK AND HE SAID IN TWO OR THREE YEARS. I TOLD HIM THAT IN MY OPINION THAT WAS TOO LONG, THAT WE WERE RUNNING OUT OF TIME." (SIGNED EUGENE B. MCDANIEL, 11 DECEMBER, 1985)

IN CONCLUSION, IT WOULD BE MY PERSONAL HOPE AND MOST CERTAINLY THE DESIRE OF THE AMERICAN DEFENSE INSTITUTE AND "RED" MCDANIEL, THAT UPON COMPLETION OF THESE HEARINGS THE VETERANS' AFFAIRS COMMITTEE WILL FEEL THERE ARE TOO MANY UNANSWERED QUESTIONS REGARDING THE OVERWHELMING POSSIBILITY OF POWS STILL BEING HELD AGAINST THEIR WILL IN SOUTHEAST ASIA, AND BECAUSE OF

THIS, IT MUST BE INCUMBENT UPON THIS COMMITTEE TO RECOMMEND TO PRESIDENT REAGAN THE FORMATION OF A PRESIDENTIAL COMMISSION HEADED BY H. ROSS PEROT TO THOROUGHLY INVESTIGATE AND EXHAUST ALL POSSIBLE LEADS THAT HAVE COME BEFORE THE DEFENSE INTELLIGENCE AGENCY OR ANY OTHER SOURCES, SO THAT, ONCE AND FOR ALL, THIS MOST IMPORTANT ISSUE CAN BE LAID TO REST. FOR THE SAKE OF THOSE STILL BEING HELD IN BONDAGE, FOR THEIR FAMILIES WHO HAVE WAITED FAR TOO LONG, AND FOR THOSE YOUNG AMERICANS CONTEMPLATING MILITARY SERVICE, WE IMPLORE YOU TO TAKE SUCH HONORABLE ACTION.

FOR "RED" MCDANIEL, THE AMERICAN DEFENSE INSTITUTE, MYSELF, AND OUR POWS, I THANK YOU FOR YOUR KIND ATTENTION.

PREPARED STATEMENT OF
DR. LARRY WARD
FOUNDER/PRESIDENT - EMERITUS
FOOD FOR THE HUNGRY INTERNATIONAL
BEFORE THE
SENATE COMMITTEE ON VETERANS AFFAIRS
JANUARY 28, 1986

Mr. Chairman, Distinguished Members of the Committee:

I am here today because of a concern I have carried for the past 23 1/2 years -- a deep concern for Americans MIA and possibly POW in Southeast Asia.

That specific concern has taken me back to Vietnam many, many times since June, 1973... and some 26 or 27 times since August, 1979.

Obviously, I am not at all alone in this concern. I am sure that all who share in this hearing, however we may differ in our views or in the approach we would take, have the same bottom line motivation -- hearts which cry out for the fullest possible accounting and for the return of all the living.

But there are differences -- differences in our attitudes and in our proposed solutions -- and so I'll speak very frankly about several of the most important aspects.

1. The changed attitude of the SRVN (the Hanoi government) itself.

We all know where we are at this moment, if we are prepared to look at the situation objectively. The Vietnamese government has taken the unprecedented (and uncharacteristic) step of building a fence around itself with its announced intention of resolving this issue within the next two years. This has tremendous significance that we cannot overlook. They have put themselves on record before the world with this commitment.

All of us have read those statements. I must say honestly that I personally accept them as their intention-in-fact, for two reasons which have no political nuance and nothing at all to do with how I may feel about that particular kind of government.

a. Some of us have for many, many months sought to convince Hanoi that it is in their own practical self-interest to cooperate fully in this humanitarian issue which holds such international attention. Obviously they have been smart enough to see this.

b. And I accept their commitment subjectively -- in my own heart and instincts and feelings -- because of the totally changed attitude I have seen out there in recent months as I have discussed this at very high levels, in both "on the record" meetings and "off the record" (blunt and frank) personal discussions. This change of attitude was especially visible when I was there one year ago this month -- and I saw measurable, positive improvement when I returned last May and again in August.

2. The position our government has taken.

As one who has dealt with Vietnamese officialdom at all levels for over 20 years, I am convinced that what our government is doing now -- key word "now" -- is exactly the right approach. I base this not only on what little I myself may know about the Vietnamese mind-set, but on the frank evaluative statements of Vietnamese officials themselves. They have commented to me very freely and frankly on our official representatives as "tough negotiators" (and this, from Hanoi, is a compliment). I am convinced that this program of "front door" approach, of quiet diplomacy, of effective and uncompromising negotiation, is in fact working. And soon we all will know, because of the two-year time frame the Vietnamese themselves have established.

3. The proposal for a special commission to deal with this issue.

The years have crawled by. I can understand the frustration, the impatience which cries out for something -- anything -- to expedite the process. Perhaps -- a few years ago, when this issue was not assigned that highest-level priority which (thank God) it has today -- perhaps then such a commission would have been a good idea. But with the process clearly working.... with that two-year intention on the public record... with a diplomatic "rescue train" at last on the tracks and moving straight ahead

-- now is not the time for change.

If, after hundreds of meetings and multiplied thousands of cups of tea, I understand anything at all about the Vietnamese thought processes, I can assure you that the establishment of such a commission now would send a very confusing signal to the SRVN, would interrupt the present steady forward progress, and would very likely derail that "rescue train" of quiet and very effective diplomacy.

The people in Hanoi watch our political processes. Believe me, they do. I have seen numerous instances of this scrutiny. I personally am convinced this is no time for us -- American government or private citizens -- to project an uncertain sound on the trumpet of our joint concern.

Let me admit here very frankly, in discussing the possible merits of any such commission, that my own efforts have been those of a private citizen, under the umbrella of a private voluntary agency. In the early 1980s, we proposed a Joint Search Committee and joint excavation efforts similar to those now being undertaken at such an accelerated pace. But when I sensed, exactly one year ago this month, that the SRVN was ready to move into direct government-to-government cooperation along these very lines, my colleagues and I were more than willing to set aside the private approach. This issue is too important (I want to say "too sacred") for anyone not to be willing to do the same.

I would also point to the fundamental illogic of protesting here instead of there ... of demonstrating in Washington when the answers lie out there in

Hanoi. Thank God for a Commander in Chief who has assigned to this the highest national priority. Lets give to him and to his delegates -- after all these years -- the relative few months which it will take to prove if the process is indeed working. Personally, I am utterly convinced that it is and soon we all will know.

May I remind you also, bluntly, that I don't work for the government. I'm not "in anybody's pocket." As a private citizen I reserve the right to independent thought and action. So I hope you sense that I am saying all this in absolute honesty -- from the very depths of my heart.

4. The call for direct military action.

I have lived with this issue since May 30, 1962. There are many names on that long list of the missing which have very deep meaning for me, both as personal friends or as the loved ones of dear friends of mine. If it were as simple as crawling through the jungles or attempting some sort of rescue by air or sea, believe me I'd want to pull these old World War II-type bones together and be the first to volunteer. God knows, I'd leave tonight.

But -- it's not that simple. I'd like to remind my friends who call for drastic action that the more convinced we are that there are live Americans in Indochina -- and particularly if we feel there is more than one location in which this might be true -- the more this itself points up the folly of such an approach, official or private. Too many years have dragged by. Let those who believe most strongly in the possibility of live Americans be the first to acknowledge the inherent danger to the many by trying to rescue the few.

May I also add this personal confession - with the hope that others will respond with similar honesty.

I've felt that personal frustration about which I spoke. In the past it has led me to listen to any source which claimed to have MIA information -- however flakey or shakey that source, and whatever damage just listening might do to my own credibility.

I've traveled around the world to hear them out . . . bought air tickets for others . . . and provided cameras.

I've been shown pictures and given copies of dog-tags . . . I've been offered little packets of bone fragments in Vietnam, and even an alleged full skeleton.

As my wife can attest, not a week goes by when I'm in this country when I'm not asked for "humanitarian aid" to resistance groups who in return (it is claimed) can provide information.

I've even been asked to supply a helicopter or a ship for those just about to be brought out of the jungles (and that kind of request goes back 2 or 3 years) . . . and on and on.

Well, with the magnitude of this issue and responding to that frustration, I was willing to listen. But the many months went by, the dust began to settle -- and two or three simple facts stood out:

a. The sources were almost invariably the same, apparently "working a good thing."

b. The alleged locations were always in areas readily available to the resistance -- illogical though that obviously is.

c. Never was there definate I.D. That was always going to come, to be available, just a little later. And the years went by -- without a name.

Let's not play games. For the sake of our men and their families, I appeal to all my friends to be part of the solution ... not (God forbid) part of the continuing problem. If it doesn't happen during this two-year commitment, it won't happen.

What terrible responsibility for anyone who refuses to give the process, after all these years, this 24-month chance.

And, most significantly, I began to realize the biggest danger of "coverup" can come from the private sector itself -- if we refuse to make available instantly any apparently specific information we receive, so it can be evaluated by those in positions to correlate it and synthesize it with all appropriate intelligence.

5. Lastly, may I underscore the need for unity.

If ever there was a cause which should draw us all together, this is it. But, let's face it. We have seen tragic disunity...have heard charges and counter charges.

This cause is too sacred. The issues are too real. For the sake of Archie Mitchell and Floyd Olson and Harley Hall and Earl Hopper, Jr. -- and a dozen other names I personally would want to call out -- I appeal (even beg) for patience, for maturity, for understanding, for cooperation and for true unity. Our men deserve nothing less than that. What personal agenda could possibly be more important than our uniting now around this, the greatest of causes?

WRITTEN QUESTIONS FROM SENATOR DECONCINI TO COLONEL HOPPER AND THE RESPONSES

Q: 1. There have been allegations that Mrs. Ann Mills Griffiths has signed a "secrecy agreement" with DIA. Can you enlighten the committee on the nature of this agreement? Is this a normal security clearance or some other type of agreement?

Q: 2. If it is in the nature of a security clearance, was a formal background investigation done? How long did it take to provide her with a clearance? How long does it usually take to provide this type of clearance. What type of clearance does she possess - Secret? Top Secret? Code?

A: The Executive Director of the National League of Families was granted access to Secret level information in November 1979 by the then Director of DIA, Lt Gen Tighe. This access was based on a telephonic National Agency Check (NAC) conducted on/about 1 October 1979. The Executive Director of the League executed a DIA Secrecy Agreement on 16 November 1979.

A Special Background Investigation, initiated at Lt Gen Tighe's direction was favorably adjudicated on 18 July 1980. The Director's authority to grant access to persons outside the Federal Government is based on paragraph 7-107, DoD Directive 5200.1-R/DIAR 50-2.

Q: 3. Mrs. Anne Mills Griffiths and others have testified to the effect some, if not much, of the classified information they have seen on POWs/MIAs is needlessly classified "Secret" or "Top Secret" and that this information would be very helpful to families and others interested in the POW/MIA issue. Do you periodically review this information for declassification? Would you be willing to work with Mrs. Griffiths and others concerning declassifying some of these materials?

A: We do not agree that PW/MIA-related information is needlessly classified. All data pertaining to specific missing men is declassified/sanitized for release to the next-of-kin. The only classified data in the files of the missing pertains to sources and methods of collection.

The bulk of classified information in our possession relates to refugee reports. We take investigation of these reports very seriously, and as such we must be free to pursue them in a manner permitting confidentialty for the sources and the use of all collection disciplines. And more importantly, we cannot display our level of knowledge to those against whom we are collecting; in this instance the Communist governments of Indochina. At this time there is no plan to declassify these materials.

Q: 4. Both Major Smith and Sgt McIntire have testified to the effect that intelligence information they gathered through independent sources on live POWs in Southeast Asia was not pursued by DIA and, in one instance at least, their source was compromised ending in the death of a senior Thai officer. Was the information transmitted to Major General Loure sent to Washington for analysis? If so, what were the results of DIA's analysis?

A: All of the information provided by Major Smith and Sergeant McIntire through any intelligence reporting channel has been received and analysed by DIA. During the period November 1983 through June 1984 Major Smith and Sergeant McIntire reported PW information in their possession directly to the 501st MI Group in Korea. The 501st published three intelligence reports which forward hearsay information that Americans were being held in Laos, information about crashsite artifacts, and a report of two Americans alleged by a foreign national to be held in Laos. The DIA analysis of these three reports determined that: (a) Smith's source was relaying unsubstantiated, hearsay information about Americans; (b) that DIA had previously received the artifacts from other sources; and (c) that the third report relayed information about an individual not missing in Southeast Asia, and an Army officer that had died in captivity in 1961. DIA interviewed Sergeant McIntire in July 1985 and he confirmed that the information in the three reports was the extent of PW-related information in his and Smith's possession.

The allegation concerning the compromise of a source and the death of a Thai officer are unfounded. U.S. Government officials last talked to the Thai officer in question in December 1985. His only concern at that time was that Smith had misinterpreted information which they had discussed in the past, i.e., the Thai officer had emphasized to Smith that the report of American prisoners in Laos was strictly hearsay; Smith claimed that the officer and the Thais had firsthand information.

Q: 5. Is the full packet of intelligence information, including the cover letters, on live POWs handed personally to Major General Steiner by Sgt McIntire in agency files? If so, will you make that information available to members of the committee?

A: DIA has the complete packet provided by SFC McIntire to Major General Steiner. A copy of the packet, which was classified by Major Smith, can be made available to the committee.

Q: 6. Can you enlighten the committee on what happened to the photos that were given by Scott Barnes to Embassy officials in Thailand? Do you know what happened to the photos that were sent to an address in Virginia for processing?

A: Scott Barnes, did not provide any photos to U.S. Embassy Officials in Thailand. We have no information to confirm that any photos were ever sent to Virginia.

Q: 7. Colonel Hopper, in his testimony, said that only one electronic warfare officer was repatriated and that no F-111 pilots were returned. How may F-111 pilots crashed in Vietnam and Laos? Is it just an odd coincidence that none of the pilots of this highly sophisticated aircraft were returned?

A: Eight F-111 aircraft involving sixteen U.S. personnel were lost in Southeast Asia during the war. One aircraft was lost in Thailand, one in waters off South Vietnam, one in Laos and five were lost against targets in North Vietnam.

The six crewmen aboard the three F-111 aircraft lost in countries other than North Vietnam still remain unaccounted for. Of the ten crewmen aboard the five aircraft lost in North Vietnam, two crewmen (same aircraft) were repatriated from captivity in March 1973 and the remains of an additional two men (same aircraft) were returned by the Vietnamese Government on 30 September 1977.

Q: 8. Colonel Hopper also stated that no returned POWs were amputees, severe burn cases nor were any mentally impaired. What significance do you attribute to this information?

A: The record of Vietnamese Communist authorities indicated that over 10 percent of those they claimed to have held died in captivity. Any injury, sustained either prior to, during, or after capture, takes on special significance, particularly under the conditions that were found in Southeast Asia. Medical treatment to major wounds, if given at all, was generally substandard. Lacerations and burns were highly susceptible to infection, especially during escape and evasion in the jungle and during the early stages of captivity. Many times, wounds were used for the purpose of torture and, in all probability, many men died from what would normally be considered a nonfatal injury.

Q: 9. During an Air Force Status Review in 1980 on Col Hopper's son, Earl, Col Hopper indicated that classified documents were introduced in that hearing which were not made available to him, his wife or his attorney. Will you please provide that classified information to me for my review. If there are no security implications involved in those documents, you can expect pressure from this senator to declassify the information and make it available to the Hopper family.

A: During the Air Force status review board hearing held from 7 to 9 January 1980, only one pertinent classified document was considered. Copies of this document in sanitized form (classified material deleted) were provided to Col and Mrs. Hopper for their review. The only information deleted from this document was that which pertained to the source's name and other identifying background data relating to him.

Additionally, all documents pertaining to Col Hopper's son which are contained in the files of all U.S. Government agencies were provided in sanitized or declassified form to Col and Mrs. Hopper in response to a Freedom of Information request in 1978.

Arrangements will be made through your staff for your review of the classified document in the file of Col Hopper's son.

Q: 10. Mrs. Skelly indicated that JCRC has files on approximately 3,500 individuals yet the official number of MIAs is 2,441. Can you enlighten the committee concerning this discrepancy?

A: This number includes U.S. personnel who were repatriated, escaped, or whose remains were returned as well as those who remain unaccounted for. Additionally, select foreign nationals are included in the JCRC data base.

Q: 11. Why aren't the names of the "Killed in Action, Body not Recovered" maintained in our official MIA list? If a mistake has been made on their status, as we have learned can happen in other testimony presented to the committee, and remains are returned to us which cannot be identified, isn't it possible that they could be one of those listed as "Killed in Action, Body Not Recovered"? How can we resolve this problem?

A: The names of the "Killed in Action, Body Not Recovered" (KIA-BNR) are maintained in official lists of Americans unaccounted-for in Southeast Asia. Records for all of these individuals are maintained by the U.S. Army Central Identification Laboratory, Hawaii, specifically for the purpose of identification. Consequently, there is no problem requiring resolution.

Q: 12. Ms. Skelly pointed out to the committee one incidence where DIA's computer run is inaccurate - the case of Alan Fellows -- whose current official status is "Killed in Action, Body Not Recovered." Yet the DIA computer run says "Released 25 September 1972." Can you explain this discrepancy? Has the mistake been corrected?

A: The entry in Allen Fellows' automated file should have been made in John Fellowes file. The entry when discovered was corrected. Ms. Shelly was advised of this fact and she so stated in her testimony.

U.S. PRISONERS OF WAR/MISSING IN ACTION

STATEMENT TO THE

COMMITTEE ON VETERAN'S AFFAIRS

UNITED STATES SENATE

RICHARD L. ARMITAGE
ASSISTANT SECRETARY OF DEFENSE
INTERNATIONAL SECURITY AFFAIRS
FEBRUARY 27, 1986

Mr. Chairman, I welcome this opportunity to discuss the prisoner of war/missing in action issue. This marks the first time I've appeared before this particular Committee, an event which I view as a positive step in our efforts to resolve the cases of the 2,441 Americans unaccounted for in Indochina.

As you are aware, Mr. Chairman, early last month I went to Hanoi as the leader of the highest level U.S. delegation to visit Vietnam since the end of the war, to press for resolution of the POW/MIA issue. Accompanying me were Mrs. Ann Mills Griffiths, Executive Director of the National League of POW/MIA Families; Assistant Secretary of State for East Asia and the Pacific, Paul L. Wolfowitz; and National Security Council Director of Political-Military Affairs, Richard Childress. The delegation represented the spectrum of those involved directly in our efforts to account for our missing as well as to alleviate the personal agony and uncertainty of their families. There should be no doubt in the minds of Vietnam's leaders regarding the U.S. Government's unity and commitment to our missing Americans and their families. Your bipartisan delegation, shortly following our visit, and the recent delegation led by Congressman Gerald Solomon reinforced the message to the Vietnamese that the fervent desire for the fullest possible accounting of our fellow Americans missing in Southeast Asia stems not just from this Administration, but reflects the sentiments of the American people, regardless of political party. We reiterated to the Vietnamese that this issue is strictly a humanitarian one -- not a precondition for normalization, and is to be resolved regardless of any other bilateral issues. They again agreed with this formulation.

Because of the thrust of the Committee's hearing, I want to highlight a key aspect of my delegation's visit, that being our discussions regarding the question of live prisoners. We stressed that this is and will continue to be our highest priority and that we seek the return of and any information on all Americans that may still be in Indochina, regardless of their status, condition or circumstances. We seek not revenge, not retribution, but resolution. Our extensive discussions with the Vietnamese reinforced to them our resolve on this haunting question. This did not come as a surprise to the Vietnamese. In previous discussions, U.S. representatives, including myself, have conveyed the same message with abundant clarity.

The Vietnamese maintained the position that there were no Americans under their control or authority. Nevertheless, the Vietnamese indicated that they would investigate information we provided on live sighting reports and inform us of the results. As an historical footnote, I want to point out that the last 16 months have witnessed the first time the Vietnamese have departed from their typical response about live Americans in Vietnam. In meetings with Mr. Childress and Mrs. Griffiths in October of 1984 and March 1985, Vietnamese Foreign Minister Nguyen Co Thach stated that the Vietnamese were investigating internally generated reports of live Americans in their country. In July, the Vietnamese representatives to the joint technical meeting said that the local authorities had checked out three reports without success. We are now encouraged that recent assurances by the Vietnamese that they will investigate live sighting reports may be a step forward. In addition, during the recent Solomon Congressional Delegation visit to Hanoi, the Vietnamese Deputy Foreign Minister stated they would discuss U.S. members accompanying the Vietnamese on live-sighting investigations. We intend to follow-up this dialogue with the Vietnamese during the technical meeting being held in Hanoi today and tomorrow. Further, we expect that the U.S. side will be briefed concerning the 70 reports which the Vietnamese indicated they have obtained recently and that both sides will discuss repatriation of 14 remains. Another outcome of the high-level meeting was an agreement by the Vietnamese Foreign Minister to multiple crash site excavations. Most significant was the reiteration of Vietnam's pledge to resolve this issue within two years or sooner, which is an ambitious undertaking, but one we welcome.

Our discussions with the Vietnamese were quite candid. We explained in detail the U.S. Government's rationale for the assumption that at least some Americans are still held captive. In addition to the 97 unresolved first-hand live sighting reports -- 49 of them describing the individual or individuals in a captive environment -- we pointed out the many discrepancy cases which are outstanding. For example, there were instances where downed airmen were observed by other flight members being captured or newscasts in which the Vietnamese themselves announced, sometimes by name, the specific shootdown or capture of Americans. Yet neither these men nor their remains have been returned. Also, at the end of hostilities, the Provisional Revolutionary Government -- or Viet Cong, as they were commonly known -- provided a list of 37 Americans who had died in captivity in the South. Recently the Vietnamese have begun to return the remains of these men, a total of six, all within the last year. There can be no doubt that the leaders in Indochina have information as to the fate of many Americans -- information which is vital for the fullest possible accounting for our missing service men. It should now have become obvious to the Vietnamese that there will not be movement towards ending American distrust until at least the remaining discrepancies are resolved.

It is precisely because of this situation -- the uncertainty surrounding many of our men, yet the certainty that more effort from the Vietnamese is possible -- which led this Administration to change the U.S. Government's position on Americans still being held captive in Indochina. Given the circumstances, in 1982 we adopted what we consider to be the only responsible position, which is:

> Although we have thus far been unable to prove that Americans are still detained against their will, the information available to us precludes ruling out that possibility. Actions to investigate live-sighting reports receive and will continue to receive necessary priority and resources based on the assumption that at least some Americans are still held captive. Should any report prove true, we will take appropriate action to ensure the return of those involved.

The final point, the pledge for action, is of great import because it illustrates our total commitment to returning any and all prisoners who may be held. But it should be noted that the pledge is based on the need for proof, for evidence, of live Americans. Since the fall of Saigon in April 1975, the Defense Intelligence Agency (DIA) has acquired over 4,500 reports regarding missing Americans, with 811 of them allegedly being firsthand live-sighting reports, accounts in which the source related observing Americans or individuals thought to be Americans. In fact, 529 or 65 percent of the live-sighting reports have been acquired under this Administration, due to our emphasis on actively seeking and pursuing information on unaccounted for Americans and our policy of accepting information from any source. Additionally, you should know that live-sighting reports have priority over other reports in DIA's follow-up activities. Despite DIA's intense, thorough efforts, we have thus far been unable to substantiate a conclusive report which can serve as a basis for decisive, follow-on action.

The requirement for evidence as a prerequisite to taking action is paramount, especially when possible options could involve potential loss of life. There is no other responsible alternative for the U.S. Government. In contrast, there are some private groups or misguided adventurers who launch private forays or expeditions, illegally crossing borders and violating the sovereignty of other countries. Their ventures are ill-planned, ill-equipped, ill-led, and based on incomplete or fabricated intelligence, generally because those involved lack the expertise or capability to assess and verify the data they receive. In one publicized incident, a foray in 1983, the participants were fortunate they weren't killed or captured. Equally important, such slipshod operations could put in danger the very captives these people purportedly seek to rescue or jeopardize other possible American captives. It goes without saying that such activities imperil government-to-government efforts to resolve the POW/MIA issue, as evidenced by the Lao government's suspension for 11 months of excavation negotiations following the 1983 foray. The central unalterable point is that individuals or groups having information on missing Americans should turn it over to the U.S. Government so it may be properly evaluated. Willful withholding of such information is nothing short of criminal and is a disservice to the missing individuals and their families.

As a final point, I want to address those who accuse the U.S. Government of a cover-up. Obviously they are not looking at the facts, don't choose to be educated, and are harming efforts to resolve of this issue. Consider for a moment that it has been this Administration which has reinvigorated the POW/MIA issue, which brought a responsible live prisoner position into existence, which upgraded the intelligence priority and resources devoted to the issue, which increased the manpower assigned to this issue, which undertook an active public awareness program to educate and involve our citizens, and which reached out to veterans groups and organizations across the country as well as the citizenry at large, in order to assure that the issue would always receive the attention it deserves. We who deal continually with this issue are serious people who are serious about our commitment. Many of us are Vietnam veterans, some even having been POWs in Vietnam, with friends and associates who have not returned. For the past 6 years, the principal advisers to the Secretary of Defense for POW/MIA affairs, themselves returned POWs, have been volunteers, working the job because of a commitment, not to get a ticket punched. Our efforts to resolve the POW/MIA issue are buttressed by personal as well as professional reasons. It is more than a duty -- though it is assuredly that it is a debt to our comrades in arms and a downpayment to future service men and women. They must know that their Government cares and will exhaust every effort in their behalf. Most important, we see our duty as a sacred obligation to recover our comrades in arms and end the protracted anguish for their families. It is an honorable endeavor and we pursue it with pride and integrity, in keeping with the President's commitment to resolving the POW/MIA issue as a matter of the highest national priority. Allegations of a cover-up are worse than specious -- they are absurd. They detract from our efforts, but not our determination, to achieve the fullest possible accounting of our missing men. They deflect attention from the Indochinese governments who bear the responsibility for this problem. Further, such irresponsible actions sow the seeds of divisiveness from which only those who wish us ill can reap benefits. Any member of this Administration who can prove that Americans are held against their will would be a hero to the President, the Secretary of Defense and to the American public. There can be no cover-up. The President would not countenance it. The Secretary of Defense would not countenance it. No active duty military man or woman, or civilian employee of the Defense Department would condone it, and most of all, the American people would not stand for it. Many investigations, bipartisan in nature, have shown that the faith of the American people in their Government is upheld.

I would hope that this hearing will finally put to rest such charges, so the increased assets of this Administration can be focused fully on this important issue rather than being deflected to answering such allegations.

STATEMENT OF

LIEUTENANT GENERAL LEONARD H. PERROOTS, USAF
DIRECTOR
DEFENSE INTELLIGENCE AGENCY

ON

PRISONERS OF WAR AND MISSING IN ACTION

BEFORE THE
COMMITTEE ON VETERANS' AFFAIRS
UNITED STATES SENATE
WASHINGTON, D.C. 20510

27 FEBRUARY 1986

Mr. Chairman and Members of the Committee, I appreciate your invitation to testify on the Defense Intelligence Agency's role relative to still missing and unaccounted for U.S. servicemen and civilians in Southeast Asia. Today, I will outline DIA's charter and organization for PW/MIA matters; describe current agency efforts; focus on the Agency's functional and analytical procedures, especially as they deal with "live sighting" reports; and address allegations that the DIA--as an instrument of the U.S. Government--has been a party to suppressing information relative to live sightings or--stated another way--has not made a best effort to follow through on such reports. Other committees of the Congress have frequently heard testimony from the Executive Branch--including DIA--on the PW/MIA issue, but this is my first appearance before this Committee. I welcome this opportunity because I consider DIA's PW/MIA responsibilities to be a mission of the highest priority.

First, some necessary background: In 1967 the Joint Chiefs of Staff directed the then Director of DIA to be their intelligence arm for efforts to resolve questions relating to missing U.S. servicemen in Southeast Asia. The JCS charged DIA to develop, maintain, and disseminate intelligence from all sources on U.S. personnel missing in action (MIA); PWs, and other selected personnel; on the location, description, and identification of PW camps and detention areas; and on the procedures and techniques used by hostile forces in the treatment, handling, and confinement of PWs. Since 1967, but especially since the end of our active military involvement in Indochina in

1975, DIA has become the government-wide intelligence focal point for Administration efforts to resolve questions surrounding unaccounted for Americans.

Within DIA the Special Office for PW/MIA Affairs is the prime intelligence collection and analysis arm in support of the government-wide effort. This Special Office is comprised of two branches. One branch analyzes, evaluates, and follows up on information related to unaccounted for U.S. personnel; it draws on the broadest range of sources and methods available to the intelligence community. The second branch responds to inquiries from institutions and persons external to DIA (e.g., next-of-kin; Congressional committees and Members of Congress; other U.S. Government departments and agencies--especially those in formal contact with the Vietnamese and Lao Governments; media; and other concerned citizens).

The PW/MIA Special Office presently has 18 personnel on board. This number is twice what it was five years ago. The staff includes analysts with Vietnamese-, Lao-, Thai-, Chinese-, and French-language capabilities. All have extensive intelligence backgrounds, e.g., as case officers, interrogators and analysts. Southeast Asian background, including in-country experience, is exceptionally high.

In addition to this Special Office resource pool, we are regularly assisted by U.S. Government photographic interpreters, linguists, investigatory personnel, and other intelligence specialists on a worldwide basis. For example, the

Defense Attache System, which I manage, is continually tasked to pursue investigatory leads. During the last year, we tasked Military Attaches in 20 foreign countries with hundreds of directives to pursue leads emanating from live-sighting and other PW/MIA reporting. Every year, the Director of DIA reemphasizes the priority attached to the PW/MIA mission and to the fullest possible accounting of the missing.

Since 1975 DIA has received 811 reports citing firsthand live sightings of personnel, presumed to be Americans, remaining in Southeast Asia. Seven hundred fourteen of these have been resolved--523 reports correlate to individual Americans whose status is known, and 191 are judged to be untrue. Thus, 97 reports are as yet unresolved and under investigation. Forty-eight of these reports pertain to alleged Americans in a non-prison environment, and 49 deal with Americans allegedly held prisoner. These 49 command our greatest attention, although, sad to note, 16 contain information too vague which defies further action on our part at this time.

I will now tell you how DIA pursues "live sighting" reports. Live sighting reports are most often received from refugees in Southeast Asian camps; they are electrically transmitted directly to DIA. Additional reports are received from constituent letters to Members of Congress, to the National League of Families or directly by DIA. All reports received are, in the first instance, raw and unevaluated. Thus, our priority task is to scrutinize them in terms of what is offered regarding the identity of the individual(s); physical descriptions; circumstances of loss; date, location, and time of capture;

present or past locations; and subsequent fate. Almost all reports are highly fragmentary. The most useful reports are those containing the greatest detail and referring to relatively recent sightings. These, unfortunately, are a woefully small minority. At this point, the Special Office has only three unresolved post-1979 firsthand live sighting reports pertaining to American PWs in Southeast Asia.

We do, of course, give priority attention to following up live-sighting reports from sources of high credibility. These sources are sometimes polygraphed in an attempt to substantiate their credibility. The polygraph is, however, not 100 percent reliable and is but one part of the process. Other intelligence assets are employed to expand and clarify single live-sighting reports--for example, to determine the location and physical layout of detention facilities or reeducation camps, communication patterns, manning, and daily routines. We seek in all cases any and all information that is germane. In this respect, our Special Office analysts routinely access the DIA data base, which contains recorded information relating to U.S. personnel and selected foreign nationals who were or are missing, prisoner, or otherwise unaccounted for in Southeast Asia. The Special Office's data base enables the comparison of information in single source reports against data maintained in the approximately 3,800 case files, and selection and identification of individuals who come closest to matching the individual(s) in the source report. The analytical effort is further assisted by our ability to make detailed comparisons of the reported description of the individual(s) or events, with material contained in the individual's "hard copy" file. And, as

I have stated, we employ the full spectrum of other intelligence sources as well. Other government agencies provide assistance based on their capabilities--i.e., CIA, NSA, FBI, and the Department of State to name a few. When appropriate, sources are reinterviewed several times in an effort to obtain as many follow-up details as possible. Indochinese refugees who were at the same location during the same period are often located in an attempt to corroborate the source's information.

Despite our reliance on these techniques, technical help from other agencies, and all available assistance, it is, in the end, an analyst who must weigh the information and make a judgment in a particular case which are then subject to review both within and outside of the DIA. Using all of the information available, the analyst finally prepares a formal evaluation of the source report. When an analyst is unable to corroborate a given source report or make a definitive judgment, the case is kept in an active status and maintained in the data base against future reporting. I emphasize that all firsthand live-sighting reports are carefully analyzed for possible correlation to missing Americans and in support of the accounting effort. None is treated lightly; none is suppressed; none gets anything less than our best effort. I am as distressed as anyone that, despite the many reports and technical means available, no single report or combination of reports have yet provided proof that Americans are held against their will in Southeast Asia. Yet, this cannot be ruled out, and we go under the assumption that there may be U.S. personnel held prisoner there.

I hope you understand by now that many people, elements, and institutions are involved in, and assist, our efforts. We do not, however, operate without oversight. Review and oversight begin at the working level, where all personnel are professional intelligence officers. The review procedures ascend to the senior management level within my Directorate of Operations, Plans, and Training where they involve flag-rank attention. Additionally, all of DIA's analyses are disseminated to agencies and individuals having an interest in the PW/MIA issue. External overseers include the National Security Council, Military Services, the Joint Casualty Resolution Center in Hawaii, and the current Executive Director of the League of Families. In addition, we are subject to legislative oversight by the Senate Subcommittee on East Asian and Pacific Affairs, the House Subcommittee on Asian and Pacific Affairs and the Task Force on American Prisoners and Missing in Southeast Asia.

In addition to this normal system of checks and balances, we have had extensive and in-depth investigations of DIA's analytical process and of allegations of conspiracy and cover up. In 1984, the House Task Force conducted an investigation into these conspiracy and cover up charges. It was their conclusion that these allegations had no basis in fact. Further, the House Select Committee on Intelligence reviewed DIA's handling of live sighting reports and determined that a careful, thorough and professional effort is being made.

The PW/MIA Special Office has also had two Inspector General (IG) investigations within the past 18 months. One of these was part of the normal DIA IG investigative cycle. The second was conducted by the IG at the request of the Chairman, Joint Chiefs of Staff, in response to assertions that DIA was involved in conspiracy, cover up, and abuse of refugee sources. It was the conclusion of these investigations that these allegations also had no basis in fact. In a further attempt to put these allegations to rest, a former Director of DIA in 1985 ordered senior analysts from several intelligence disciplines to review the professional standards of internal operating procedures. They judged the effort there to be carried out with high competence. It was concluded that the Special Office should be used as a model for the Agency. Efforts on the PW/MIA issue are long-term and progress has been made under this Administration. DIA perseveres in doing what must be done.

I have heretofore spoken about how DIA has dealt with the PW/MIA issue. Now, a few words about my personal and professional commitment.

I am confident that my PW/MIA staff has performed well in carrying out their charge. Moreover, the DIA keeps the Executive Branch, Congress and the National League of Families informed of how well we are progressing. Nonetheless, when I ask if we are satisfied with our progress, my answer is qualified and will remain so until we have obtained the fullest possible accounting of the missing.

I told the House Permanent Select Committee on Intelligence recently--as I tell you today--that I am fully aware that the credibility of the Agency that I run, as relates to its handling of PW/MIA issues, has been challenged and that charges of a cover up have been made.

I repeat, therefore, that:

* All of DIA's actions are and will be based on the assumption that there may be live Americans in Southeast Asia and that we must take action to locate them.

* I intend to be demanding, open, and inquisitive. My only preconceptions are that should real or apparent errors in procedures or analysis be found, they will be corrected and any deficiencies in capabilities will be rectified. If this means continuing to pursue sources that have not been contacted in years, then we will do it. I intend to explore any avenue to find new sources and will make appropriate policy recommendations as to potential options resulting from any leads.

* We will operate under the assumption that every source is valid and follow every lead.

I and my staff will meet with Congressional Committees and receive input from concerned citizens to insure that their views and suggestions are considered and that appropriate action is taken. In addition:

* I have invited former DIA Director, Lt Gen Tighe (and others) to come in for as long as necessary to get updated on all of the follow-up actions

that were pending in reports he had seen when he was in office, for a complete review of all reports since that time, and to review the current analytical process in order to report his views to me.

* I proposed to the Director of Central Intelligence the establishment of an Interagency intelligence committee to review current intelligence community efforts, to examine or suggest new initiatives, and to insure that all are dealing with the latest and best information and most accurate data base. He supported me; the interagency committee is in being.

* I have directed the further augmentation of the Special Office for PW/MIA Affairs.

Finally, Mr. Chairman, I want to reemphasize that I take very seriously my responsibilities to keep the Congress, its intelligence committees, and its individual members informed on any pertinent intelligence matters under my jurisdiction. That includes, as the highest priority--PW/MIA issues. That is why I appreciate the opportunity to be here today and why I and my staff are at your service on this matter.

Testimony Before the Senate Veterans Affairs Committee

Prisoners of War and Missing in Action in Southeast Asia

Assistant Secretary of State Paul Wolfowitz

February 27, 1986

Mr. Chairman,

I take great personal satisfaction in joining my colleagues in appearing before your Committee today, although it pains me that we have to meet to discuss allegations that are unfounded, far-fetched and slanderous. To me it is inconceivable that the United States Government could be involved in suppressing evidence that live prisoners remain in Southeast Asia today. Those of us who are concerned with the POW/MIA issue would like nothing better than to find Americans still alive and get them back. If our men remain in Indochina more than a decade after the war's end, we want to know it in order to ensure that they are returned. That is the only way any decent American can approach this subject, and I can assure you that is how everyone I know does approach it.

There is simply no conceivable motive for concealing evidence that Americans are alive in Indochina. To the contrary, any government official who would obtain convincing evidence of American prisoners in Indochina would be a national hero, particularly if it were information precise enough to effect a rescue. And if it were, there would be no shortage of men in uniform who would volunteer to help get their comrades back.

Sometimes it is alleged by those who charge the government with covering up reports of live Americans in Indochina, that our foreign policy interests would suffer if we were to discover that Vietnam were still holding our men prisoner. Those who make this charge seem to feel that their government is driven by a compulsion to normalize relations with Vietnam, a compulsion so strong that it would even sweep aside or cover up questions about the fate of missing Americans. Those who make this charge appear to be ignorant of the significant change in American policy toward Vietnam caused by Vietnam's invasion of Cambodia. So far from seeking relations with Vietnam, we have stated clearly that we will not normalize relations with Hanoi until Vietnam agrees to a settlement in Cambodia and withdraws its army of occupation from that unfortunate country. At the same time we have pressed Hanoi to cooperate with us on humanitarian questions which should be kept separate from the political and other issues that divide us, first and foremost the POW/MIA issue. Vietnam now appears to agree with us on this point, and to be prepared to work with us without any link to normalization or other issues. Thus the question of a "hidden agenda" with Hanoi on our side does not even arise.

History has shown that the United States Government is notoriously bad at trying to keep something like this from the American people. In our open society a coverup of information so vitally important to all of us would inevitably come out. Today's hearing is a very good example of how we protect ourselves as a nation from unwholesome secrecy. Not only would it be immoral and stupid for the people involved in this issue to try hiding what they know, it would be futile.

But more important than the practical problem of carrying out a coverup of this magnitude is the moral dimension. It is inconceivable to me that the thousands of persons who have worked on the POW/MIA question over the years could be considered guilty of the heinous crime of ensuring the continued captivity and torture of their fellow Americans, particularly when their number includes hundreds of Vietnam veterans and even former prisoners of war. None of these people could live with their consciences if they were part of an attempt to conceal information about live Americans.

In your letter of invitation to testify today, you asked what we in the State Department are doing about the "live sighting" question. Let me state first that we, along with others in the Government, operate on the assumption that there may be some live prisoners still in Southeast Asia. Although we do not have the evidence to prove that this is the case, reports are too numerous -- and the issue too important -- to act under any other assumption. Thus, our first priority in all that we do on this subject is to determine if there are indeed any prisoners still alive in Indochina, and -- if solid evidence does emerge that there are -- to secure their return to the United States.

We have made considerable progress in persuading the governments of Vietnam and Laos to cooperate with us in resolving the fate of our missing men. Over the past year, in particular, our dialogue with these governments has intensified, and they have taken significant steps -- the joint excavations of crash sites in both Laos and Vietnam last year, for example. But we have not confined ourselves to accounting just for those who died in Indochina. We have made the issue of possible live prisoners a major element of the dialogue with both countries. In the recent visit to Hanoi in which I participated, for example, we had a lengthy exchange on the subject.

Vietnam continues to maintain that it holds no prisoners in its custody. At the same time, however, senior Vietnamese officials have agreed to investigate any reports we give them. Of course, sensitive intelligence on live Americans being held prisoner would be handled carefully to ensure the safety of our men and we would take whatever measures are necessary to secure their release. But there are cases in which Vietnamese government followup is the most appropriate way to deal with certain reports. And, Hanoi's agreement to investigate such cases is an acknowledgment that there could be a problem of which the central government is unaware.

The Lao government, with which we have normal diplomatic relations, also denies that it holds live Americans. This has not prevented our raising individual live sighting reports, however, and the Lao have shown a willingness to respond to such inquiries. For example, just last year we learned that a caucasian man, reportedly an American, had been held in a prison in the Vientiane area in 1983-84. When we brought the case to the Lao government's attention, it told us that the man in question was a Greek national who had been held on criminal charges and released in May 1984. The Greek government confirmed to us that this was the case.

The progress we have made with Vietnam and Laos is the result of persistent pressure and negotiation with those governments, both by American officials responsible for the issue and by the families of the missing servicemen, through the National League of POW/MIA Families. The most important single factor in inducing Vietnam to cooperate has been Hanoi's knowledge that it faced a united America, and that exploiting divisions in public opinion -- which it did so successfully during the war -- would no longer work. This is still true, and national unity still works in our favor as we pursue the issue with the Vietnamese and Lao governments. But if irresponsible attacks alleging bad faith and "cover-up" lead the Vietnamese to believe the American public is seriously divided on the issue, these governments may well decide again to withhold cooperation. Only by pressing home our unified national commitment to the fullest possible accounting, for the sake of those still missing and their families, can we hope to succeed.

While the Department of State does not play a primary role in the analysis of live sighting reports, we are very much involved in their collection and transmission. Our embassies throughout the world have standing orders to report immediately to Washington any approach concerning live prisoners. Sometimes these are sent directly to DIA, sometimes to our office of Vietnam, Laos and Cambodia affairs in my bureau in the State Department. But they are always given priority attention and followup where necessary.

We give special emphasis to this important function in the countries of Southeast Asia where most of the refugees first land after fleeing Indochina. In these countries our refugee officers and Joint Voluntary Agency representatives work closely with Joint Casualty Resolution Center personnel and our defense attaches to ensure maximum accessibility to the refugee camps. Even in camps where refugees are not made available to interviewers for resettlement purposes, we have persuaded the host governments to let us have access in order to gather POW/MIA information.

I would like to clarify one aspect of our policy which is sometimes misunderstood. Some have suggested that we should pay for or offer special favors such as accelerated immigration to persons who provide us with valid information on missing men. However, we long ago decided that this would only act as an incentive to a flood of false information which makes the task of discerning the truth more difficult. In fact, one of the serious problems we have to deal with now is the common misperception among potential refugees in Vietnam that information on POWs or MIAs, no matter whether true or false, can help get them out of the country. This is one of the reasons we have such a large number of live sightings which are eventually proven false. I can assure you, however, that despite this phenomenon, we are eager to receive every report we can, and we treat them all seriously.

In conclusion, let me reaffirm, from my point of view in the Department of State our entire Government's commitment to as full as possible an accounting for the men who did not return from the war in Indochina. Our first priority is to determine if any men remain alive, who they are, and where they are held, and to get them back to this country by whatever means are available to us. This is not an easy job, and we all experience great frustration in trying to do it. There are no simple solutions, and simplistic answers are not answers at all. But I can assure you that we will persevere until we have exhausted every possible avenue to return our men -- alive or dead -- to their families, their comrades and the American people.

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